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Indian Band Self-Government in the 1960s: A Case Study of Walpole Island

Canada

Indian Band Self-Government in the 1960s: A Case Study of Walpole Island

by

John Leonard Taylor

for

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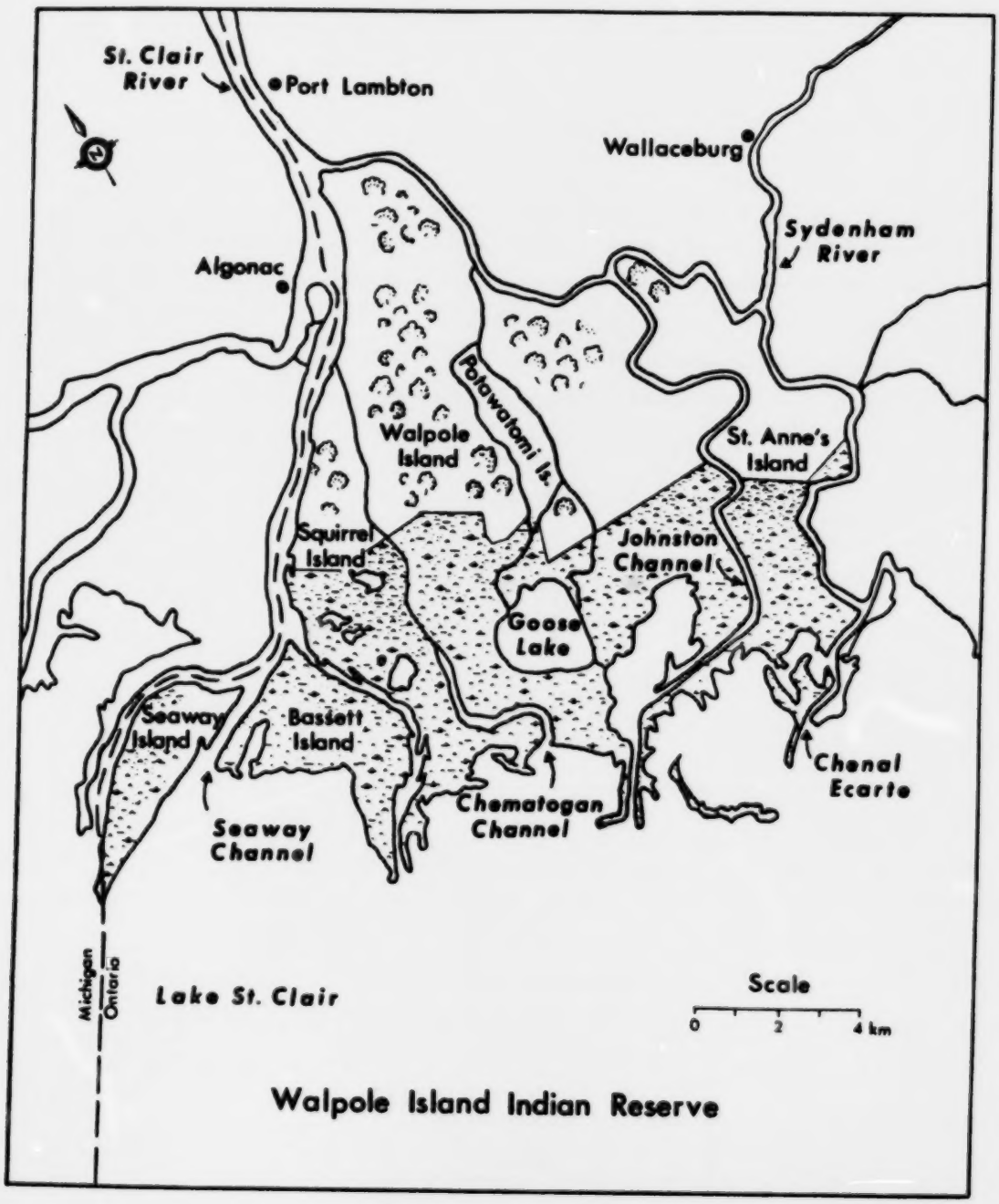
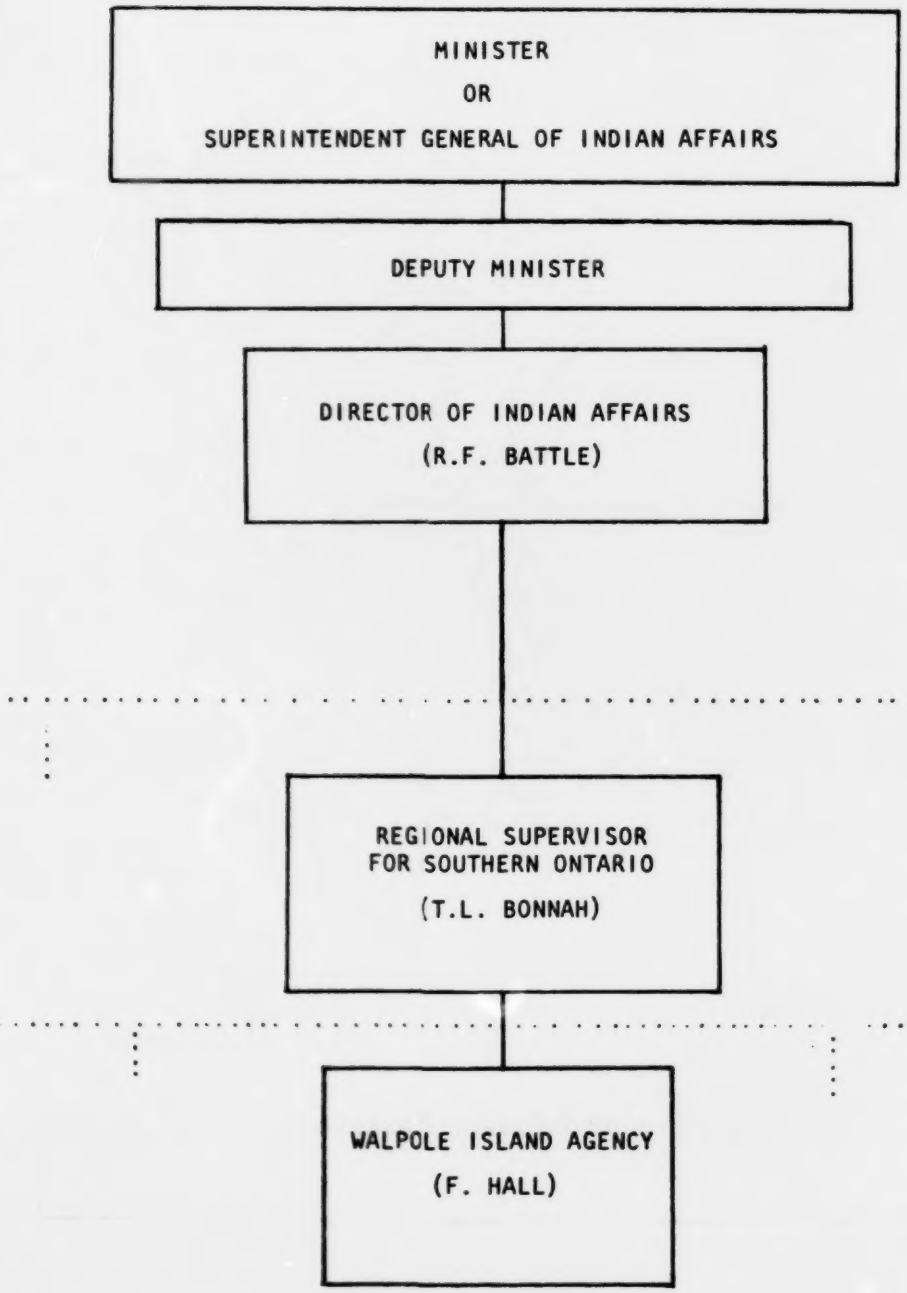


Walpole Island Indian Reserve

STRUCTURE CHART

ORGANIZATIONAL LEVELS OF THE INDIAN AFFAIRS BRANCH
FROM HEADQUARTERS TO THE WALPOLE ISLAND AGENCY

1964



Part I

BACKGROUND

A. Introduction to the Study

In 1965, the Walpole Island Band embarked upon an experiment that was then unique among Indian bands in Canada. They were to govern themselves for a trial period of one year through their elected Chief and Council without the close superintendance of an Indian agent representing the Indian Affairs Branch. This achievement was the result of a community effort extending over several years under the leadership of Chief Burton Jacobs.

> [The] importance of his role is hard to grasp because the degree to which life on reserves in Canada was controlled through the Indian Act and the Indian Agent was so extensive and so different from the experience of other people living in Canada. Burton Jacobs was the primary person who actively sought to bring about changes, not just the physical removal of a particular Indian Agent, but the transformation of the whole structure that made the activities of the Indian Agent so pervasive in controlling life on the reserve.[1]

There were conditions within Canada and within the Indian Affairs Branch that made this experiment possible, and even encouraged it. However, the force behind it came from within the Walpole Island community and was led by Burton Jacobs, the man who held the office of Chief from 1960 to 1970.

Some students of history stress the role of individuals in bringing about desired changes. Others put the emphasis on conditions and 'movements'. Obviously, wherever the stress is laid, there must be a measure of both. Conditions may be right for change, but if no one does anything about it, nothing is likely to happen. On the other hand, there have usually been individuals working for change long before it actually occurred. They were unable to swim against the tide, the conditions were not right, and their efforts were lost. In the events recorded here, the people who were prepared to bring about change did something about it. At the same time, conditions favoured the kind of change they wanted. As a result, they were able to make a step forward for Walpole Island and for Indian bands across Canada.

The Deputy Minister who approved the arrangements for this experiment commented for the benefit of the Minister, "This is one of the most interesting chapters in the recent story of Indian development".[2] Change did not come easily or without opposition, however. Opposition and conflict both have a place in this historic event. Conflict produced casualties and left some bitterness but, on the whole, it was creative conflict which produced a result generally satisfactory to both parties. Without the group working for change, self-government would not have come or would not have come as quickly. Without some opposition to instil caution, too much might have been attempted too quickly, bringing failure and discredit on the entire experiment.

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The direction of change was towards greater self-sufficiency. This has been a constant feature in Walpole Island's history. It is important to note that the efforts made twenty years ago were directed towards recovering, rather than establishing, self-sufficiency. The ancestors of the Walpole Island Band had been completely self-sufficient in the past. They lost control of their lives only because external circumstances temporarily prevented them from exercising it. Yet, even at the worst of times, they never lost the will to retain their identity and to live as a people in their own way. It was this determination that inspired the Band in the 1960s to take responsibility for local government into their own hands as a major step towards recovering, within the modern technological world, a measure of the self-sufficiency that had once been theirs.

The idea of recording the story of this event originated with the present Chief of the Walpole Island Band, William Tooshkenig, and their Research Director, Dean Jacobs. They were convinced that it was important to record what had been done. Beyond that, they were not sure in what form the story should be told or how it could best be presented. They talked to me about the possibilities. Some months later, I had the opportunity to discuss the idea with John Leslie, Chief of the Treaties and Historical Research Section of Indian and Northern Affairs Canada (INAC). We discussed the feasibility of a written study combining the results of archival research and oral testimony from the participants. The time seemed particularly

appropriate because of current Indian pressure to move towards further self-government and because of the public interest aroused by publication of the Penner Report (Report of the House of Commons Special Committee on Indian Self-Government, November 1983).

With the full participation of Chief Tooshkenig, ex-Chief Burton Jacobs, Dean Jacobs and the Walpole Island Band Council, a proposal was prepared and presented to Liz Fraikin, Director of INAC's Research Branch. She liked the idea and passed it on for approval. By April 1984 approval had been received and it was possible to begin work. The proposal, as accepted by INAC, was for a case study, at the Band level, of a successful step in the evolution of band government. Walpole Island presented an excellent opportunity to make a study of this kind. It had been the first band in Canada to take this particular step. Many of the people involved in the events twenty years ago were available for interviews, including the man who had been Chief at the time, Burton Jacobs. He was Chief from 1960 to 1970, a period extending five years in either direction from the crucial event described here. He has remained on Band Council to this day and has therefore kept in touch with Band affairs as well as national and global issues. Coincidentally, he was also preparing to tell his story to academic gatherings in Toronto and New York in the spring of 1984. By the time he was interviewed for this study, he had spent a good deal of time putting his ideas together for those occasions.

We contacted as many other members of the Band Council of 1964-66 as possible, as well as others closely connected with the events. Interviews were requested and those who agreed were interviewed in May 1984. If the interviewees agreed, the interviews were recorded on tape and afterwards transcribed. These transcripts were given numbers, and identified by the date of the interview and the name of the interviewee. After the archival research had been completed and integrated with the transcripts of the interviews, additional questions were asked of the interviewees in order to clarify certain points and fill in gaps in the information.

Interviewees included ex-Chief Burton Jacobs, four ex-Councillors, the first Band Manager, another Band employee from the period studied, and the Chief who followed Chief Jacobs in office. Not all of these people agreed to have their interviews recorded, nor was it always necessary to do so. Hence, there are transcripts only for Burton Jacobs, Geraldine Peters, and Edsel Dodge. One interviewee, while agreeing to the recording of the interview, did not want a transcript made.

The transcripts of the interviews that were recorded and transcribed have been deposited with Nindawaabjig, the Walpole Island Band's Research Centre. This was done by arrangement with the Chief and Band Council as stipulated in a letter of March 22, 1984 to the Director of INAC's Research Branch from Chief Tooshkenig. The Chief wrote, "since this study will involve the collection of local Indian oral history our Council has imposed the condition that this study be carried out

in co-operation with our community-based Nindawaabjig research program". This condition was explained to interviewees. Consent forms will be the responsibility of Nindawaabjig, which will control access to the transcripts.

Some people declined to be interviewed. Consequently, only one interview was obtained from an ex-councillor who could have been considered part of the 'opposition' side in Council during the period studied. This circumstance has reduced the amount of information that it has been possible to obtain from that point of view. Particularly valuable, however, are the insights of the first Band Manager, who occupied a unique situation with regard to the events described.

In addition to the interviews, departmental files of the period were researched. They yielded a great deal of valuable information, as they contained correspondence and other documents written by key persons within the Indian Affairs Branch, including the local Indian Superintendent or Agent, Fred Hall; the Regional Supervisor of Indian Agencies for Southern Ontario, T.L. (Leo) Bonnah; the Director of the Indian Affairs Branch, R.F. Battle, and many other officials. From this source, it was possible to learn something about actions taken by the Indian Affairs Branch and the views held by some of the key officials. Some of this was also obtained in a more general sense from departmental annual reports.

Two particularly valuable published sources of information were A Survey of the Contemporary Indians of Canada, prepared under the direction of H.B. Hawthorn and M.A. Tremblay, and Sally Weaver's classic study of the development of Indian policy in the 1960s. Newspapers were useful for outside contemporary comment on some aspects of the subject of the study.

The balance of this background section was prepared to provide the reader who is unfamiliar with the context of the study with a general introduction to Indian band government, to the structure of the Indian Affairs Branch, to the general direction of Indian policy in the early 1960s, and to the Walpole Island Band and Reserve.

B. Introduction to Indian Band Government

It is important to recognize that Indians were not without political organization and government when Europeans came to Canada. However, much of this was lost in the general disruption of Indian life that followed upon European settlement and control. Indian governments were often highly complex and were fully sovereign.[3]

> The process of solving problems which affected the band or tribe was formalized among the Iroquois, and in some of the Ojibwa and Plains tribes in the form of council meetings, involving headmen from different sections and levels of the system. However, in the great majority of Indian bands, this process was largely an informal one involving persons of influence in the band who did not necessarily occupy special and named positions.
>
> The method of election of chief and councillor by the band public at large was unknown. Elections did occur within some councils in order to decide which person was to be senior, but these were not public elections as we know them. More typically, a headman would step into his status either because he was the most eligible person in a line of descent which provided leadership or because band public opinion would indicate, without public pronouncement, that he was the man people wanted as headman.[4]

Contact with Europeans through the fur trade, and later through settlement, brought about some changes in Indian leadership. For example, the trading chief emerged as new circumstances placed a value on the ability to deal effectively with fur traders. Indian leaders were also required who could represent their people to European officials and soldiers. Thus, European contacts with Indian people were at first mainly commercial and military.

While Indian governments and political organization underwent change in response to these new situations, the Indian nations continued to be self-governing. They related to Europeans as trading partners and as either allies or enemies in war. With increased European settlement and the corresponding loss of the use of a wide territory, life changed dramatically for Indian people. They could no longer gain a livelihood in the old way. They had to settle in particular areas, which came to be called 'reserves', and to learn new ways of living, usually agriculture. This relative loss of independence naturally weakened the traditional Indian governments.

The relationship to European governments also changed. Until the early nineteenth century, Indian superintendents had been quasi-diplomatic officials under military control who worked to maintain alliances with independent Indian nations. With settlement on reserves and less emphasis on the military relationship, the Indian Department and its agents became supervisory in nature, charged with advancing the government's policy of assimilation of Indian people and society to the general population.

> On the reserves Indian agents increased their efforts to have the Indians change their way of life. Agents continued to receive support in this task from missionaries and teachers, but the principal instrument assisting them in their control over Indian activities was the Indian Act.[5]

At Confederation in 1867, a federal system was established which divided the powers of government between the central or Dominion government and the governments of the provinces. Jurisdiction over Indian affairs was placed among the responsibilities of the Dominion of Canada under section 91(24) of the founding statute, the British North America Act (now the Constitution Act, 1867). Accordingly, the Parliament of Canada passed legislation in 1869 that recognized a system of Indian band government by chief and council and introduced an elective principle. These officials were to be elected for terms of three years by the "male members of each Indian Settlement of the full age of twenty-one years".[6]

While the chief and council provided a local organization through which the Indian Department could carry out its administration, the elective principle was added to further the goal of assimilation of Indian ways to those of the general population and "to pave the way to the establishment of simple municipal institutions".[7] From an early date, then, the idea of Indian band government on the municipal model was present.

> If we say that the traders invented a new kind of Indian intermediary, the trading chief--we can also say that the government invented still another--the government chief--as well as an institution called the band council through which its affairs with the Indians were

> handled. ... Apparently it was assumed that the model of the European or Canadian village with its elected local government, majority rule, a body of citizens identifying strongly with the community, and so on, would be adopted by the Indians and that the creation of band councils would pave the way to this adoption.[8]

The Governor in Council was given the power to decide, on the recommendation of the Indian Department, to which bands the elective system would apply. Furthermore, the decisions of the band council affecting those limited matters specified in the Indian Act were always subject to the approval of the government. "Thus the ultimate authority with respect to the elective system and band government lay with the Department, and was a feature of all subsequent Indian Act legislation concerning this aspect of Indian life."[9]

In 1876, Indian legislation was consolidated in the Indian Act of that year. Since that time, the Indian Act, in its several revised versions, has provided the legislative base for all Indian administration in Canada. Using the model of the 1876 Act, this central piece of Indian legislation has been revised several times. The last major revision was in 1951. Hence it was the 1951 Indian Act that was in force in 1964 when the Walpole Island experiment began and is still in force today.

When a one-year elective system was being considered as an alternative to the three-year system, assimilation to the surrounding communities and "some kind of municipal system" were again offered in support.[10] This alternative became the Indian Advancement Act of 1884. In 1906, it became Part II of the Indian Act, while the provisions for the older three-year system remained in Part I.

By the end of the Second World War, the Indian Act was long overdue for a major revision. It had ceased to reflect changes in public opinion in Canada about the conduct of public affairs generally and about Indian policy in particular. As a result, a Joint Committee of the Senate and the House of Commons was appointed to consider Indian Act revision. The Joint Committee held hearings and meetings from 1946 to 1948.

> In 1948 the Joint Committee recommended a complete revision of the Indian Act and that the new Act be designed to facilitate the gradual transition of Indians from 'wards' to full citizenship. The new Indian Act, moreover, should include the following: bands should attain more self-government and financial assistance; bands should be able to incorporate as municipalities; and Indian Affairs officials should assist the Indian in the responsibilities of self-government.[11]

After the Joint Committee had made its recommendations, the Indian Act was revised and passed by Parliament in 1951. As a result of this revision, the two systems of elective band councils were combined into one under sections 73 to 79. Each band was permitted one chief and no fewer than two or more than twelve councillors. The right to vote for band council was to be exercised by members of the band ordinarily resident on the reserve who had attained twenty-one years of age. Indian women received the vote for the first time in this 1951 revision; the word 'male' was dropped from the voting qualifications. It was not possible to make provision for municipal incorporation in the Act, because municipal affairs are under provincial jurisdiction in the Canadian federal system.

The band government provisions of the 1951 Indian Act were accepted more readily by Indians than were those that had previously been in effect. Prior to 1951, 400 bands were operating under tribal custom, 185 were under the three-year system, and 9 had accepted the one-year system. By 1971, 384 bands were under the new provisions while 169 retained tribal custom.[12]

In the revised Indian Act, provision was made for band councils to accept responsibility for certain defined functions then being administered by the Indian Affairs Branch.

> Official optimism with respect to the potential of band councils as viable units of local government is evidenced in the changes to the Indian Act introduced in 1951. Among the changes ... was one contained in section 60, through which Indian bands may be granted

> the right to exercise control and management of its reserve land. Another is contained in section 68, through which Indian bands may be permitted to manage their revenue monies. Still another is contained in section 82 which enables councils to pass money by-laws.[13]

There was little progress towards implementing these provisions during the first decade after the 1951 revision of the Act. In 1959, for example, Walpole Island was only the second band in Canada to take advantage of section 68, permitting it to administer its own revenue account. While these provisions were supposed to reduce the role and authority of the Indian Affairs Branch in band government, they could do so only to the extent that they were adopted. Moreover, band government under the 1951 Act was still subject to the authority of the Governor in Council.

One of the few amendments to the election provisions of the Indian Act between 1906 and 1951 had been made in 1936. It involved adding to Part I a section from Part II describing the agent's duties at band council meetings. This addition (section 99A) read:

> (1) At meetings of the council the agent for the reserve, or his deputy appointed for the purpose with the consent of the Superintendent General, shall
>
> a) preside, and record the proceedings;

b) control and regulate all matters of procedure and form, and adjourn the meeting to a time named or sine die;

c) report and certify all by-laws and other acts and proceedings of the council to the Superintendent General;

d) address the council and explain and advise the members thereof upon their powers and duties.

(2) No such agent or deputy shall vote on any question to be decided by the council.[14]

At the Joint Committee hearings, the Muncey Band Council had complained that Section 99A gave too much authority to the agent.[15] Representatives of the bands of the Duck Lake Agency agreed with this view. They wanted power to be given to the chiefs and councillors to conduct the affairs of the bands. However, there was little fundamental change in this respect in the revised Act. Section 79, dealing with regulations for band and council meetings, read as follows:

The Governor in Council may make regulations with respect to band meetings and council meetings and, without restricting the generality of the foregoing, may make regulations with respect to

(a) presiding officers at such meetings,

(b) notice of such meetings,

(c) the duties of any representative of the Minister at such meetings, and

(d) the number of persons required at the meeting to constitute a quorum.[16]

The real meaning of this section would depend upon how it was interpreted in practice. It could have been used to give wide powers to the Indian Affairs Branch representative or it could have left the chief and council with a relatively free hand.

The powers of the Governor in Council have in practice been exercised through the Superintendent General of Indian Affairs, a title held by the Minister of the Crown responsible for the Indian Department or the department in which Indian Affairs has resided from time to time. The Deputy Minister or Deputy Superintendent General is the civil service head from whom the bureaucracy extends downward to the field level. Twenty years ago, the field officer supervising band administration was the local superintendent or Indian agent.

On a large reserve like Walpole Island, the agent had an office and a staff of four or five clerks to assist him. The agency office was the lowest level of the Indian Affairs structure. Above that was the region with its regional supervisor and staff of clerks and specialists and, beyond that, headquarters in Ottawa where the Director of the Indian Affairs Branch, the Deputy Minister, and the Minister had their offices. In 1964, there were 9 regions and 88 Indian agencies across Canada.

As the local representative of the Indian Affairs Branch, it was the agent who stood directly in the path of the growing aspirations of the Walpole Island Band. While the agent and the bureaucratic structure occupied ground that the Band regarded more and more as their own, the 1951 Indian Act had provided some scope for movement in the direction of self-government. The Indian policy adopted by the Branch in the 1960s was also moving further in this direction.

> As efforts to cope with national unity, ethnic diversity, and poverty gained momentum in the 1960s, Indians became more visible to the public and were placed all too obviously among the most disadvantaged miniorities in society. As the public, and particularly the press, became better informed of Indian poverty and alienation, a collective sense of guilt about the historical treatment of Indians emerged and the federal government came under heavy criticism. ... The key censorious concept became 'paternalism', which was seen as a force denying Indians the freedom to develop as they wanted and discouraging any initiatives they undertook. Public sympathy for the Indian cause was unquestionably enhanced by the civil rights and anti-poverty movements in the United States and by the emerging nationalism of decolonizing third-world countries.'[7]

The new Indian policy reflected these influences. It was held that Indians should not be a socially and economically disadvantaged group within Canada. Moreover, there was an attempt to provide to Indians the same level of government services as other Canadians received. A principal method of achieving this objective was to

arrange for the provinces to provide Indians within their borders with the same provincial services they provided to other citizens. The provinces were paid per capita grants for services provided to registered Indians. A 1964 departmental report assessed progress on this front: "The success achieved to date in these fields indicates the feasibility of increasing federal efforts toward securing the further extension of services to Indians through agreements with the provinces."[18] As a result of these agreements, a Federal-Provincial Relations Division was established within the Indian Affairs Branch. The province of Ontario also revised some of its legislation to permit direct participation by Indian bands in some provincial programs. In 1959, Ontario's General Welfare Assistance Act was revised to enable Indian bands to take over local administration of welfare programs.

This kind of direct participation in provincial programs was regarded within Indian Affairs as one aspect of self-government.[19] Bands were also being encouraged to accept more responsibility for their own affairs as provided for under the 1951 Indian Act. To that end, leadership training courses were being offered to chiefs and councillors and other potential leaders.* Among the latter were the band managers and other employees whom bands were being encouraged to employ to do the administrative work involved when bands took on new responsibilities.

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* These had been offered since 1954.

In addition, a major study was initiated to assist the Branch in further policy development in the same direction.

> A Canada-wide Indian research project to assess the participation by Indians in the social and economic life throughout the country was begun under the leadership of Dr. H.B. Hawthorn of the University of British Columbia and Dr. Adelard Tremblay of Laval University. The purpose of the study is to provide a body of knowledge that will assist in establishing guide-lines for future policy and the over-all planning required to promote the welfare and progress of Canadian Indians. The project, to be conducted by specialists and research assistants from various universities and research centres, will cover four major areas concerning Indians: economic development, advancement in education, responsibilities that exist at various government levels, band councils and the development of self-government.[20]

Also in the early 1960s, a new community development policy was adopted by the Branch. This was a self-help approach to the problems of communities; it had been applied to Native people by the provincial government in Manitoba a decade previously. The community development officer was not expected to lead, but to act as a catalyst to get community members involved. Walpole Island might have been selected for this program had it been adopted earlier. However, community development officers were being assigned just as the agent was being withdrawn. The Branch did not want to appear to be withdrawing one of its officials and, at the same time, replacing him with another.

In spite of these progressive policies--which were being promoted at the regional, and sometimes even at the agency level--practice tended to lag behind policy within Branch administration. Line authority was still a prominent feature of the Branch in comparison to other government departments. This had been particularly evident during the decade when Colonel H.M. Jones had been Branch Director. "Directives flowed from the top down to the superintendents on the reserves, line authority being highly respected."[21] Although Colonel Jones retired in 1963, the general atmosphere did not change immediately. Certainly, it would be some time before superintendents working at the agency level could be expected to perceive their relationship to headquarters and regional offices in a different light. The way in which they saw these relationships naturally influenced their actions and attitudes towards the bands in their charge. "Branch traditions of secrecy and of distancing Indians from its affairs were strong."[22]

Working as front-line troops in an authoritarian bureaucracy to which they were accountable, the agency superintendents were also coming under fire from the opposite direction. Grass-roots activism in the 1960s was attacking all forms of authority.

> In all, the 1960s witnessed an increasing distrust of the government by both Indians and the public, particularly the media, to the point where the government, and not Indians, became the basic target of public concern. The limited gains of the branch's new programs left serious doubt in the public mind that the government was determined to grapple with the complex problems facing Indians and loosen its paternalistic hold on their communities.[23]

Hence Indian agents were having to meet new expectations imposed on them by the public, by Indian bands, and by some of their own superiors while, at the same time, remaining accountable within a highly authoritarian bureaucracy. It would have been a superior person indeed who could have met all these demands from so many quarters and have emerged untarnished.

While the principles of self-determination and self-government were accepted by Indian Affairs, no one had yet worked out in detail just how these principles would be applied in practice at the band level. Taking over greater responsibility for administration was certainly part of it, but whose policies would they administer--Indian Affairs' or their own?

Moreover, the model for self-government had not been determined. One model that was frequently mentioned was that of the municipality. Apart from that, no one seemed very sure what form a band government might take. Yet there were problems with the municipal form of government. In the first place, municipalities in Canada are creatures of the provincial governments and operate under provincial legislation, while Indians and Indian reserves are a federal responsibility and are administered under the Indian Act. Secondly, as the Hawthorn-Tremblay Report later pointed out, band councils serve a double function, and only one corresponds with the function of a municipality. Like municipalities, band councils provide local government to reserve residents. Unlike municipalities, band councils

also administer the common property of band members, such as reserve land and resources and band funds. Some of these band members might not be reserve residents. Their interest in a band council might correspond to that of a shareholder in a corporation. They would not use its local government services.

Not all of these more profound problems were solved at Walpole Island in the mid-1960s, nor have they all been solved yet. The problem that was paramount to the Walpole Island Band was that of the locus of authority at the band level. Should it be the agent as the representative of the Indian Affairs Branch or the chief and council as the elected representatives of the band? This was the question raised at Walpole Island in the 1960s by Chief Burton Jacobs and resolved in the course of the events described in this study. The question was not debated in abstract terms. It was resolved in the course of a practical struggle in which personalities entered the fray along with ideas and issues.

Chief Jacobs objected to the power given to the agent under the Indian Act. He compared the agent's position to that of a colonial governor. "Most of the work should have been done by Indian people themselves. ... This is a very bad system. It isn't really the rule of Indian people. It's the rule of the Indian Affairs."[24]

C. Introduction to Walpole Island

The home of the Walpole Island Band is the Walpole Island Indian Reserve in southwestern Ontario, located between Sarnia and Windsor, seven kilometres west of Wallaceburg. It contains five islands at the mouth of the St. Clair River, the largest of which are Walpole Island and St. Anne's Island. Walpole Island is now connected to the Canadian mainland by a bridge. At the time of the events described in this study, it was necessary to cross a short stretch of river (variously called the Snye, Chenal Ecarte, or Sydenham River) by ferry to go to or from the Reserve.

Because of a high water table, much of the Reserve consists of water, marsh, and poorly-drained land. In spite of this, the islands also contain some excellent agricultural land and are blessed with a climate favourable to farming. A large part of the Reserve still remains in natural forest cover. Generally speaking, the southern-most third of the Reserve is marsh, the middle portion is forest, and the northern third is agricultural and residential. The environment of Walpole Island is essentially rural, with a concentration of residences at some places such as 'the front' along the St. Clair River.

The members of the Walpole Island Band are part of the Ojibwa, Ottawa, and Potawatomi nations. Their ancestors moved into southwestern Ontario after the Hurons and their kinfolk, the Tobacco and Neutral peoples, had been driven out by the Iroquois in the mid-seventeenth century. Their territory, both land and water, provided a living and a home for the people. While it was the Ojibwa who first occupied the vicinity of Walpole Island, some Potawatomi groups are also believed to have lived in Ontario before the War of 1812 and likely before the American Revolution. The Ojibwa, Ottawa, and Potawatomi were politically linked through the Council of the Three Fires.

Walpole Island and its vicinity had been a camping area for Indians long before permanent settlement began to take place sometime before the War of 1812. When the land cession treaty of 1790 was made by the ancestors of the Band, the limits of the ceded lands ran along the shoreline of Lake St. Clair and the St. Clair River, leaving the waters and the islands to the Indians. At first only the Ojibwa people settled at Walpole Island.

The Indian settlement on the islands was soon considered a reserve, although various terms were applied to such areas and no fixed meaning had been yet defined by legislation. The Walpole Island Indians were administered as part of the Sarnia Band until 1836 when they became a separate band. They were assigned their own Indian

agent in 1838. Shortly afterwards, several migrations of Potawatomi Indians from the United States arrived and settled near the Ojibwa peoples. Additional numbers of Ottawa and Ojibwa people also arrived from the United States in the next few years. Because of these migrations, the population of the Walpole Island Band increased from 319 in 1839 to 1,140 in 1842. All of these people had to be absorbed at the very time when the older residents of Walpole Island were trying to make the transition from their original means of livelihood to an agricultural way of life. The newcomers may have assisted in this process. Since they were hunters rather than farmers, they put even greater pressure on the available wildlife resources, forcing more of the people to turn to farming.

While hunting, fishing, and maple syrup gathering continued after settlement on Walpole Island Reserve, they diminished in value as a result of the surrounding European settlement and development. The prevailing opinion was that Indians would have to adapt to agriculture. In 1839, the first agent, J.W. Keating, began to expel squatters from Walpole Island to enable its Indian inhabitants to farm the land. They did so in increasing numbers. By 1842, about 600 acres were under cultivation, mostly in corn and potatoes, although some oats, buckwheat, and peas were also grown. In 1858, it was reported that "the Indians of Walpole Island devote more of their annual income to the purchase of useful grain and farming materials of all sorts than any other Tribe in Western Canada."[25]

Schools and churches were also introduced during the nineteenth century. Although not operated by the government, they were welcomed as consistent with the policy of assimilating Indians into the surrounding society. The other aspect of Indian policy--protection--ran somewhat counter to the first. For example, the protection of Indians from debt, and of Indian lands from alienation to non-Indians, made it virtually impossible for Indians to borrow money for farming and hence retarded economic development and self-sufficiency. As larger-scale farming put pressure on small farms, Walpole Islanders often found it easier and more profitable to lease their land to non-Indians than to farm it themselves.

Like other Indians in Canada, the Indian nations settled at Walpole Island had originally had their own forms of government. Some of this survived into the mid-nineteenth century. Keating noted that the Ojibwa had a head chief and five inferior chiefs, each in charge of a band. Originally, farming on the Island was practised communally, each of the five bands cultivating one large farm.

After Confederation, band government was conducted under the provisions of the Indian Act. As the present Band Research Director has commented, "Whatever our traditions were before, after more than a century, these are now our traditions."[26] Both assimilation and protection were foundation principles of the consolidated Indian Act passed by the Parliament of Canada in 1876. They shaped the

provisions for band government included in the Act. Presumably because of the different languages and background of the Indian people of Walpole Island, the Band was subsequently divided into a Chippewa (Ojibwa) Band and a Potawatomi Band, each with its own chief and council and with separate council houses. Amalgamation into the present Walpole Island Band took place in 1940.

Band membership at the time of the events described in this study was 1,422, of whom 19.3 per cent lived away from the Reserve.[27] Many of the off-Reserve Band members were employed in nearby Canadian and American cities. Only 25 were listed as farm proprietors. While some Band members were steadily employed and enjoyed a relatively high income, many were unemployed or seriously underemployed. Of the males aged 16 to 64, only 37.3 per cent were employed for more than nine months in the year, while 20.5 per cent were employed for less than six months annually.[28] While comparable figures for females were not given, it is likely that even fewer were gainfully employed for lengthy periods.

Of children over sixteen, only 3.92 per cent were still in school, while only 2.9 per cent of Band members had been educated beyond grade nine.[29] Only 13 per cent of households had indoor toilets and baths and 56 per cent were supplied with electricity. One-third of the households had a motor car and 43 per cent had telephones.[30]

Walpole Island was the kind of band most likely to take advantage of the changed climate of opinion as reflected in the policy and legislative revisions of the 1950s and '60s. Moreover, T.L. (Leo) Bonnah, Regional Supervisor of Indian Agencies for Southern Ontario, was the kind of person to encourage greater self-government. A series of three newspaper articles published in 1963 describes some of the advances that had been made at Walpole Island by that time.

> Ten years ago the council was timid. They were faced with unfamiliar responsibilities that they felt belonged to someone else.
>
> However, through the years, they faced up to these problems and as a result, have developed a municipal government equal to any similar body.
>
> They have organized and put into effect school committees, marsh committees, housing, sanitation, parks and more important a finance committee.
>
> Council has not stopped growing. They have reached outside their body for assistance and through council appointments, have engaged many other devoted men and women. They have their own band clerk and welfare office and several other 'council committees'.[31]

The first article also describes the advances in schooling made since 1952. Island officials arranged for pupils in the higher grades to attend classes in Wallaceburg schools. A kindergarten was established on the Island. Walpole Island was also one of the first bands in Canada to set up its own School Committee.[32]

Band government had taken some of the first steps towards the autonomy for which the Band was to reach out the following year.

> Ten years ago all band funds were administered through the Island's agency, now they are responsible for their own accounting.
>
> With this has come a series of changes. They have had to set up their own welfare agency, prepare sanitation by-laws, dog regulations and control, road and marsh land development and are now in the process of setting up their own water by-law. ...
>
> During the past 10 years they have negotiated new and stronger marsh laws, subdividing and developing new marshes.
>
> Land is no longer rented on a hit and miss basis. The and has been farmed well with the result there is a steadily increasing value. Farmland has also been tiled and proper drainage provided.
>
> "We need control in order to maintain our natural resources," officials explain. They have instituted game and fish by-laws and have exercised proper control over them.
>
> Their field of activity has broadened with the increased revenue--giving them something to work with.[33]

The final word of praise came from the Indian Agent who would soon become the target of those who were in the forefront of these progressive changes.

> Fred Hall, Island superintendant, looks at the records with pride and has this to say about the Island officials, both past and present. 'They have achieved and mastered their responsibilities very well. They could take a position on any municipal body and carry their share of the load.'[34]

The Hawthorn-Tremblay Report described some band councils in the mid-1960s as appendages of the bureaucratic structure of the Indian Affairs Branch, rubber-stamping its initiatives or feeding information to the administrative system on such matters as who should have a new house or who should receive welfare. "Where statutory limitations are not so strict, for instance, where bands control their own revenue monies, and where there is a substantial band-owned resource to exploit ... the council assumes the look of a municipal government rather than that of a bureaucractic appendage."[35] Walpole Island took control of its own revenue account, under section 68 of the Indian Act, in 1959. It was the second band in Canada to do so. Nevertheless, the Chief, Burton Jacobs, and many of the councillors and Band members saw their council as far removed from being a municipal government. As they saw it, the main reason why their council was in a subordinate position was the power given by the Indian Act to the Indian Affairs Branch and exercised locally by the Indian agent.

NOTES PART I

1. Nindawaabjig, "Walpole Island: The Struggle for Self Sufficiency - a Panel Presentation", Occasional Paper No. 3, May 1984, pp. 6 and 7.

2. A handwritten note signed "C.M. Isbister" (Deputy Minister of the Department of Citizenship and Immigration in which the Indian Affairs Branch was located) on a memorandum from R.F. Battle, Director of the Indian Affairs Branch to the Deputy Minister, April 5, 1965. Indian and Northern Affairs Canada (INAC) file 471/3-1, Volumes 1 and 2.

3. These facts have been recognized recently in Indian Self-Government in Canada, the Report of the House of Commons Special Committee on Indian Self-Government (Penner Report), released in November 1983.

4. Canada, Department of Indian Affairs and Northern Development, Indian Affairs Branch, A Survey of the Contemporary Indians of Canada (Hawthorn-Tremblay Report), edited by H.B. Hawthorn (Ottawa: Queen's Printer, 1967-68), Volume II, p. 176.

5. Robert J. Surtees, The Original People (Toronto: Holt, Rinehart and Winston of Canada Limited, 1971), p. 43.

6. Canada, Statutes, 32-33 Vict., 6, 1869.

7. Quoted in Wayne Daugherty and Dennis Madill, Indian Government under Indian Act Legislation 1868-1951 (Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1980), p. 1.

8. Hawthorn-Tremblay Report, Volume II, p. 177.

9. Daugherty & Madill, Indian Government, p. 2.

10. Ibid., p. 10.

11. Minutes of the Joint Committee as quoted in Daugherty & Madill, Indian Government, p. 66.

12. Ibid., p. 74.

13. Hawthorn-Tremblay Report, Volume II, p. 178.

14. Quoted in Daugherty & Madill, Indian Government, p. 68.

15. Ibid., p. 70.

16. Ibid., p. 73.

17. Sally M. Weaver, Making Canadian Indian Policy - The Hidden Agenda 1968-70 (Toronto: University of Toronto Press, 1981), p. 15.

18. Canada, Report of the Department of Citizenship and Immigration - Indian Affairs Branch (Ottawa: 1963-64), p. 21. Hereafter cited as Departmental Report.

19. Ibid., p. 33.

20. Ibid., p. 21.

21. Weaver, p. 46.

22. Ibid.

23. Ibid., p. 49.

24. Nindawaabjig, Transcript of an interview with Burton Jacobs, May 31, 1984, transcript 4B, p. 13.

25. Canada, Province of, Legislative Assembly, "Report of the Special Commissioners to Investigate Indian Affairs in Canada" (Toronto: 1858).

26. Dean Jacobs explained to the writer that tradition is doing something over and over, trying to get the best from it. The tradition of having an elected chief and council is now well over a century old at Walpole Island. It is now their tradition, whatever they might have had previously. However, the newer tradition has been skilfully combined with the characteristic methods of an earlier culture and tradition. For example, agreement by consensus is still more important than the rule of a majority in an adversary type of political system. In this study, there are examples of both of these methods at work.

27. Hawthorn-Tremblay Report, Volume I, pp. 72 and 113.

28. Ibid., p. 95.

29. Ibid., p. 103.

30. Ibid., p. 81.

31. Chatham Daily News, August 23, 1963.

32. Ibid.

33. Ibid., August 24, 1963.

34. Ibid.

35. Hawthorn-Tremblay Report, Volume II, p. 194.

PART II

THE EVENTS OF 1963-66

In 1960, Burton Jacobs was elected Chief of the Walpole Island Band. He says that he immediately ran up against the authority of the Indian agent and from the beginning plotted to get rid of him. Fred Hall had been agent at Walpole Island since 1952. Burton Jacobs had been a councillor before he was elected chief. The two men knew each other well. However, in trying to carry out the responsibilities of their positions as they saw them, they found themselves on a collision course.

The Hawthorn-Tremblay Report was being prepared at the same time as the events described in this study were occurring. That report described the political rights made available to Indians since the Second World War. "The next, and more difficult, step involves extending to Indians political control over their local affairs. ... At the local level most Indian communities have only the most rudimentary control over their own collective futures."[1]
T.L. Bonnah expressed a similar view at the time. "Apart from Section 80 of the Indian Act, which up to recently has been little used by many bands, the Indians have actually little say in their own affairs."[2]

Burton Jacobs described the comparative insignificance of chief and council and ascribed this to the role of the agent:

> And although there was a Chief and Council somewhere, it had little or no significance as a ruling body. If you wanted to speak to the Council, it was always the Agent who came forward and demanded to know what you wanted. The Chief and Council were virtually powerless because the Agent had systematic control of the Council. He attended every Council meeting, and he insisted that no Council meeting was official unless he was present. He generally came into the Council meeting with a list of items that he wanted the Council to pass, and the Council generally passed them without question or without any argument. And if a Councillor expressed a point of view that was unpopular with the Agent, he would intrude and argue the point, and he generally ended the argument by saying that he would not recommend it.
>
> This last point is worth noting because that was the key to the Agent's success. The influence of the Agent was actually two-fold: he exerted his influence in the Council with his recommendations, and he exerted his influence on the resolutions that were submitted to Ottawa, by pointing out which resolutions should be approved and which resolutions should not be approved. Invariably, the resolutions were approved or disapproved in Ottawa according to the Agent's recommendations.[3]

The Hawthorn-Tremblay Report identified two patterns with respect to the role played an the Indian superintendent or agent. One of these was the narrow channelling of information by the agent with specific advice on the decision to be made. This pattern tends to occur "where the superintendent lives in the Indian community, attends all or most meetings and, while assuming the role of resource person and secretary, becomes a human switch-board in the communication system."[4] This description comes very close to that provided by the informants at Walpole Island. Burton Jacobs said that the most frequently heard statement in the Council house was, "I wouldn't recommend it."

The other pattern "occurs where the agent is seldom present in a location or at the meetings and where most communications from outside the band are sent directly to the council. ... It is where this pattern occurs that the band council most resembles a viable municipal government."[5] The important factor in this situation, of course, is the absence of the agent.

Thus, in the early 1960s, the entire agency system was being questioned. The Hawthorn-Tremblay Report stated that the system might have been historically necessary and useful, but "it is now generally recognized to be inappropriate to contemporary needs which stress Indian participation in the local decisions which affect them."[6]

Walpole Island and Chief Burton Jacobs were in the forefront of thought and action in this very area, described so extensively in the Hawthorn-Tremblay Report. The report was only being prepared at the time that Walpole Island was already advancing towards self-government. By the time it was published, the major events had already taken place.

With the benefit of hindsight and the Hawthorn-Tremblay Report, it is possible to say that, by the mid-1960s on reserves like Walpole Island, the position of Indian agent was becoming redundant. Most of the work done in the agency office still had to be performed, but some

bands were ready to do it themselves. Unfortunately, the agent was still there occupying the position. This prevented the elected chief and council from taking the initiative and carrying out a program of their own. Under the right conditions, it might have been possible for the agent gradually to relinquish authority to the band's government until there was no longer a role for him to perform. This would have required not only a particular type of person, but also a clear and continuing understanding of the stages reached by a band in developing its band government. In addition, it would have required sufficient flexibility in the legislation and regulations to allow the agent a free hand. None of these conditions appeared to be present to a sufficient degree to permit a smooth transfer of power at Walpole Island. A strong and widespread difference of opinion on the issue of self-government among Band members themselves added another ingredient to a situation that rapidly became explosive.

To Burton Jacobs the central event in the struggle towards self-government was the campaign to get rid of the Indian agent. While he did not work alone, Burton Jacobs, through the office he held for ten years, gave direction to the events and saw them to a conclusion. Chief Jacobs saw the agent as the major obstacle in the way of his people's advancement towards greater self-government and self-determination. The Agent drew up the agenda for the council meetings. He chaired the meetings and directed the discussion.

Finally, when council resolutions were passed, he sent them to higher authority for approval based on his recommendations. He was in a position to determine local band policy as well as direct the details of administration.

> I looked at the way things were done in the Council where the agent really took command and did not really give the Council a real opportunity to express their own views. I really didn't like that. He was constantly butting in. He actually took control of all the meetings. I didn't like that. I felt that he should have been there to give guidance when assistance was asked for. ... He prepared the agenda and took in all the accounts that had to be paid for into the Council meeting and told the Councillors what they should discuss. There was hardly ever a time when the Chief and Council initiated any of the business, but well over ninety per cent of it was generated by the agent.[7]

Part of the problem between Chief Jacobs and the agent was personal, or became personal. That was inevitable. However, it was more than a clash of personalities between Burton Jacobs and Fred Hall. Chief Jacobs said that he had known many agents and did not like any of them. When asked if he thought he would have had the same problem with any agent because of the nature of the agent's position, he replied, "I think I would have had the same problem."[8] The Hawthorn-Tremblay Report provided a reason for this. "Agency Superintendents may differ widely in ability and ideas, but the pressure of their duties forces virtually all of them to function in a primarily administrative rather than development role, and in an authoritarian rather than democratic and educative fashion."[9]

Burton Jacobs, too, realizes the conflict built into the role of an agent. "They had to follow the policies of the Indian Department and ... some of those agents that sided with the Indian people said that there were certain things that they did not like doing, but they had to do them, because they were required to."[10] More explicitly, he told a gathering of anthropologists in Toronto in April 1984:

> By virtue of the Indian Act, all administrative matters relating to an Indian reserve were under the direct control of the Indian Agent. You could name anything you want--the management of roads, bridges, schools, housing, welfare, leasing of land, sale of timber, policing, and many others--these were under the direct control of the Indian Agent.[11]

All the participants in the events of the 1960s who were interviewed agreed that the agent had possessed the power. Parker Pinnance, a councillor who did not support the movement to get rid of the agent, nevertheless had no doubt that the Agent was the ultimate power in Indian band government. "I guess your Agent was the supreme power over the council and everybody else."[12] Geraldine Peters also thought that the agent had too much power. "Some of it was good, some of it wasn't very good at all."[13] She thought that Fred Hall had been a good agent, not a power-seeker, and had worked for the good of the community. The real problem, however, was not the character of Fred Hall, but the office of Indian agent itself.

It is not at all certain that the distinction between the office and the office-holder was clear to Chief Jacobs and his supporters at the time. As we shall see, their first explicit council resolution to get rid of the agent asked for the replacement of Fred Hall by another official of the Department. However, the campaign to remove the agent, which Chief Jacobs headed, although necessarily political in nature, was not inspired by political theory. They were practical men with practical objectives. They were concerned with conditions on the Reserve and wanted to improve them. "Because there appeared to be no indication that conditions on our reserve would improve and because, in my view, the primary cause was the presence of the Agent, I came to the conclusion that the only solution was to kick him out."[14]

The Hawthorn-Tremblay Report contains a description of a system that may relate to what Burton Jacobs has said and offer an insight into his objectives.

> The flow of suggestions about solutions to problems tends to be channeled narrowly from the Indian Affairs Branch official in the agency to the individual band. In some cases it is the official himself who creates the suggested solutions, but more typically, his solutions are programmed in the sense that he is fed with suggestions from his own superiors and he passes these on. The Branch employs experts who originate

> suggestions. They are themselves in touch with other experts in different branches of government, business, universities, and so on. However, it is unusual for the band council itself to be in direct contact with these sources of ideas about solutions. By the time the ideas have been processed in the system, they reach the agent in a fixed or distilled form. A further distillation takes place at his level and he passes them on to the council, typically in a one-alternative form: you should adopt the elective system; you should not lease your timber rights; you should not adopt a work-for-relief policy; you should agree to move your community thirty miles away where the soil is better; and so on. The point here is that the Indian Affairs Branch itself has a stake in which alternative is chosen and is understandably prone to push strongly for one alternative over the other. ... What we draw attention to here is not the goodness or badness of the solutions offered, but rather the involvement of the band councils in the advice-getting process. The evidence is that those bands with resource potential are breaking out of the single circuit system of information flow between themselves and the Indian Affairs Branch and linking up with other problem-solving agencies.[15]

The perceived connection between the system of administration and economic development was not uncommon. "The one factor that tends to be singled out more frequently than any other, in laying blame for the economic backwardness and underdevelopment of most Indians in Canada, is the general system of administration under the Indian Affairs Branch."[16] Hawthorn-Tremblay described the system, as distinct from policy, as paternalistic and authoritarian, especially in economic matters. It elicited from Indians a number of undesirable responses, including disguised hostility. "The relationship and the interactions it has tended to generate are seen most clearly at the level of the Agency Superintendent and the bands under his jurisdiction."[17]

In 1962, R.W. Dunning, a well-known University of Toronto anthropologist, had already written an article in which he appeared to be in substantial agreement with this view and with that of Burton Jacobs on the role of the agent. In reference to the policy suggestions he made in the article, Dunning wrote:

> What has been said here is not new. The emphasis, however, which has not to the writer's knowledge been made explicit before is that the combination of wardship through reserve lands and the supervision by a federal agent together preclude any fundamental change through welfare development programmes. It is the view here that only by removal of the position of agent will it be possible to create a milieu for substantial development. Otherwise increased help in all forms would only contribute to the overall power position of that administrator, while inhibiting initiative on the part of governed persons.[18]

Burton Jacobs described the kind of situation to which he strongly objected:

> The Minister or the Agent has a right by virtue of the Indian Act to spend funds on projects he considers necessary or neglected, to be undertaken by the Council. The result of this right was that the Agent had one project going, and the Council had another. There was no co-ordination of projects.
>
> When a project was undertaken by the Agent it was not necessary to obtain permission from the Council. It was enough reason that he considered it necessary.[19]

There is some reason to believe that, despite the inadequacies of the system, conditions at Walpole Island over the previous fifteen years prior to the events recounted here had in fact improved. This, however, has often been the historical precondition for revolutions. They do not happen among the absolutely depressed, but among those who are beginning to see improvement and can generate hope of finding a way to improve even further. Thus hope outruns performance. In that light, Chief Jacobs saw no chance for conditions to improve further with the existing form of band government under the agency system.

He told a story to illustrate his point. When asked if he had the idea of getting rid of the agent in his mind when he ran for chief, he replied:

> No. It sort of developed after the various troubles that I had with the agent and I think the first trouble that I noticed was that the people were getting after me because of the bad deals, the leases, that the Indian agent made with the farmers. They were very long leases and the farmers paid very low rental and when the rentals started to go up the farm leases were tied up at a very low rental rate and the Indian locatees figured that they should have gotten a better deal so they tried to see what I could do, I suppose to break the lease somehow, to get a better deal. Of course, that wasn't possible, and again when that Webster lease was about to

> be renewed--that's the 2000-acre farm in St. Anne's--I sort of objected to the way it was handled and you must understand that at this time all the negotiating was done by the agent and when he came into the council and told us what sort of a deal he had made with Webster I objected. I thought that that farm should have been tendered out and not just be given to him, you know, on the old rate. The proposal was that Webster was to have paid $10.00 per acre and five dollars out of that rent was to be used for tiling and drainage and we learned later that it was very doubtful that any of that money was used to drain the farm. It was a questionable deal. I objected to that but the agent wouldn't change his mind. He insisted that Mr. Webster should get the lease while his main argument was that Webster had an elevator and that he was in a position to operate a large farm, a 2000-acre farm. I said that we could get around that by splitting up the farm to parcels of perhaps four to five so that would bring it within the range of the average farmer.[20]

Chief Jacobs was not successful in having the Webster lease re-negotiated, despite a subsequent trip to Ottawa to see the Minister of Indian Affairs, Guy Favreau. That Ottawa trip had other important implications that were to surface later when three Band employees were fired.

After Burton Jacobs was elected chief, the first step in the 'plot' to dispense with the agent was to discuss the problem with the councillors.

> I talked to them individually so that each would be free to express himself. I went about this very carefully and cautiously, and I did not want to say anything that would create suspicion. My poll revealed that about one-third of the Councillors were for the Agent and one-third were against, and one third were in the middle. These figures were good, but they weren't good enough. I was looking for a three-quarter support and anything less wouldn't be good enough. Nor could I depend on my Council to take any decisive action. I was willing to wait until another election came--or even two elections before I made any moves. I knew that sometime a strong Council would emerge that had the same views that I had.[21]

Meanwhile, Chief Jacobs circulated a petition from door to door on the Reserve in order to involve the Band members who were not on council. He described it as a very slow and difficult process. He had no problem, he said, with people who dealt frequently with the agent, but those who did not and the older people were afraid of change. They were afraid of losing even what they had. "Even though this was a very slow and difficult process, there was never a time when I thought that I should quit."[22]

Knowing that he did not yet have a strong majority, the Chief hesitated to submit the petition.[23] After working on it for about a year, he was surprised, he said, to see the Indian agent at his door.[24] The agent said, "I understand that you are trying to get rid of me." Chief Jacobs admitted that he was. The agent suggested that they talk about it. "So, I took him under the shade of a thorn

tree by the river and we sat down on a bench." The agent told Chief Jacobs that he was wrong, that he was creating a disturbance and stirring up the people. If he continued, it would be difficult to get any work done.

Chief Jacobs' only reply was that he would think it over. "When the Agent left, I thought to myself that this was going to be the beginning of a long drawn-out battle. I knew that the Agent was going to put up a lot of resistance, and that he was going to use every means to get me out of office." Burton Jacobs described a series of harrassments by the police. He admits that they might have been coincidental, but he suspected that they had something to do with his campaign. Some of the councillors who had sided with Chief Jacobs also suspected that their political activities were bringing them trouble.

Chief Jacobs decided that this was the time to enlist support from councillors who had been uncommitted or undecided. "I took advantage of this hostile climate that existed to solidify my position."[25] At this point, the Chief's party began to hold private or secret meetings in homes. They held them in different locations. The last meeting took place in an old abandoned school on the main road. They took care not to park cars around the school. They even had a look-out to make sure they were not observed.

The turning-point came with the Band election of 1964. Chief Jacobs was returned to office, but only five members of the old Council were re-elected.[26] "Some new faces appeared on the scene in the person of younger men who were not too sure they liked the status quo and were bent on doing something about it. They were joined in some of their moves by a few of the older members of the Council. It was evident a new era was dawning."[27]

Meanwhile a parallel development was taking place. Under the guidance of Leo Bonnah, the Department's regional superviser, the Walpole Island Band was being encouraged to take another and different kind of step on the road to self-government. Bonnah frequently discussed with Chief Jacobs and the Council the need to employ a band manager if the Band was to take on more responsibility. The employment of a band manager was intended as an essential step towards self-government. The Hawthorn-Tremblay Report contains this comment. "Without a local civil service the band council is shorn of much of its potential for effectively making and implementing policy. The present Branch policy of contributing to the formation of reserve administrators is to be encouraged. These now exist on only a few reserves."[28]

The mere employment of a Band manager did not guarantee self-government. A Hawthorn-Tremblay researcher described a band where a large Indian Affairs Branch subsidy for revenue-producing projects was administered through chief and council. The writer referred to this situation as a "Crown Corporation" or "Establishment".

> We can think of the Establishment as an extension of the bureaucracy itself. For instance, the new band manager and band clerk positions are an explicit extension of the bureaucracy, and are referred to by Branch personnel as 'their own civil servants'.[29]

Nevertheless, the same report also viewed the creation of a band civil service as essential to any move to eliminate Indian agents. A field worker for the study had commented that band members used the agent as a court of appeal when they had been turned down by the council. Council, on the other hand, sometimes escaped responsibility for an unpopular decision by referring the issue to a public servant. "Hence, it does not appear that true autonomy will be attained until the plan of establishing a band civil service is realized. ... It is only then that dependence on the agency superinterdent would become structurally unnecessary. At that stage the Council would grow in standing, as its decisions would be perceived as final."[30]

Whatever form a band government might take and however it derived its authority, local self-administration would require a band civil service to do the day-to-day work. The agent had four clerks in the agency office. The chief and council performed some administrative tasks, but there was a limit to the amount of administrative work they could do along with their political, legislative, and more broadly executive functions. Besides, they could work only part-time, because they were unpaid except for a small honorarium.

More self-government could only mean taking on more responsibilities and hence the need for employees to handle the work. The appointment of a band manager or administrator was an obvious first step.

> I really can't say who originated the idea but around about that time Indian Affairs had put on seminars on leadership training and also they had sent some people to Antigonish, Nova Scotia for development in community development and I think that the idea developed out of these seminars that the Indian Affairs had put on.[31]

Leo Bonnah had certainly promoted the idea. It was in line with Indian Affairs' policy and Bonnah himself favoured it strongly. In his own account, however, he presented it simply as a Band Council decision, which it undoubtedly became.

> At a Band Council Meeting held August 28, 1963, the Council of the day decided their work had increased to the extent where it was advisable to select a 'Band Manager' to conduct the affairs of the Band that were outside the area of responsibility carried on by the Indian Affairs Branch agency staff. It was also their hope that some of the most perplexing problems might be solved better through their own efforts.[32]

Nevertheless, the Band went along with the idea of a band manager rather than initiating it or pushing strongly for it. They were not particularly enthusiastic, probably because they thought of it as an Indian Affairs Branch idea.[33] This association of the position of band manager with the Indian Affairs Branch may have contributed to the lack of trust in the first incumbent's loyalty that Chief Jacobs and his supporters on council later exhibited.

In spite of a lack of enthusiasm, the position was advertised, a competition was held among Band members, and a candidate was selected. The successful applicant was Edsel Dodge, who was a member of the Band council but resigned that office before taking up his new duties. He had also been on the school board.[34] These duties had brought him into frequent contact with the Indian agent and the agency office. While this familiarity with the personnel and work of the Reserve should have been an asset to him in his new role, it was to be counted against him when considered in conjunction with other events that followed soon after his appointment.

Bonnah described Edsel Dodge at the time of his appointment. "He was about 38 years old, married and maintained a family. His education might be considered the equivalent of Gr. XII. He was previously employed as an electrician. ... The fact that the candidate turned down employment offering approximately twice what the Band could afford to pay him as manager ... was indication [sic] of his dedication to the cause and interest in seeing the Band on the way to eventual self-determination."[35]

Another way in which Bonnah made his influence felt was in the decision to send Edsel Dodge to the Coady International Institute "for special training for one year in the self-help economic program of the Institute." Bonnah described the training. "The philosophy and principles of co-operation along with co-op service organizations formed part of the training together with studies in economics, communication and community development. The Council figured this added training along with that supplied through the Branch's annual local Leadership Institutes would fit the manager to fill his new role well."[36]

Expenses at the Institute were shared between the Band and the Indian Affairs Branch. The Band council also paid Dodge a small salary to maintain his family while he was away on course. (The Coady Institute was at St. Francis Xavier University in Antigonish, Nova Scotia.) The appointee completed the course successfully and returned

at the end of the academic year to take up his position as Band Manager. That was in May 1964. The following month, the Band election was held and a largely new council replaced the one that had appointed the Band manager.

From this point, events moved quickly as a result of the election. Chief Jacobs concluded that he now had sufficient support in the council to move decisively against the agent. "I had a Council that was pretty much on my side and sometimes we agreed beforehand what to do, you know, before we went into the Council."[37]

At the Council meeting of July 20, the Chief's party requested permission to go to Ottawa on a non-controversial issue. This was only a subterfuge; the real intention was to see Robert Battle, Director of the Indian Affairs Branch, and ask for the removal of Fred Hall as Indian Agent.[38] The issue had now been joined.

On July 29, Chief Jacobs led a delegation of his supporters on council to see Battle in Ottawa to demand the removal of the Indian agent. "Naturally the Director took a defensive stance and began to recount the fine qualities and achievements of the Indian agent."[39]

Simpson Brigham, a councillor who was part of the delegation, said that his impression was that the Director was trying to push them to take more responsibility. Burton Jacobs also remembers him saying that, but does not remember him specifying any particular responsibilities.[40] He told Battle that they had not come to Ottawa for that purpose. The delegation and the Director seemed to be talking at cross-purposes. The delegation then gave the Director an ultimatum. If their request was not met within thirty days, the council would tender its resignation to the Minister and then call a press conference.

> This move forced the Director to grant the Council's request. However, though the Director subsequently confirmed this by letter, action was not taken within the specified date. It was evident that this unprecedented move posed serious problems to the Department.[41]

Until the July visit to Ottawa, events had proceeded satisfactorily from the point of view of Leo Bonnah and, no doubt, in the opinion of Branch headquarters in Ottawa. The appointment of a band manager was a significant step towards self-government as they saw it. But beyond that, they did not have any clear idea of how matters would proceed from there. When the question was discussed, the municipal model was mentioned most frequently, although development within the framework of the Indian Act was not ruled out. Nevertheless, the delegation to Ottawa made demands that had not been anticipated and that put a strain on the system.

Bonnah remarked, in the booklet he wrote on the subject, that "a delegation of Council pressed for the right to run some of their own affairs then handled by the agency staff".[42] He continued,

> While every encouragement was given the delegates it was necessary to keep in mind the Band Staff at that time (Manager, Welfare Administrator, Treasurer and Council Clerk) were not trained to accept such additional responsibilities nor were they set up in an office that was adequate for the conduct of Band business on such a scale. It had also to be remembered that other members of the Council did not favour such a radical departure from the past.[43]

Probably the major problem for the Indian Affairs Branch was the division within the Band council and among Band members on the question of transferring Fred Hall. There are likely many reasons for this division. Some may be related to relationships between Band members. However, it was neither possible nor necessary to explore this possibility. That a division of opinion should have existed on a subject that touched the interests of everyone in the community so closely is hardly surprising. Some reasons for the division are readily apparent.

The personal dimension was undoubtedly present in the campaign against Fred Hall. But not everyone at Walpole Island disliked him. Besides those who supported Hall personally, there were those Band members, mentioned by Burton Jacobs, who correctly saw this campaign as the first step towards doing without an agent altogether. Many feared that possibility. There were councillors who had the same point of view or were sensitive to the opinions of Band members who did. On this subject Bonnah wrote, "It had also to be remembered that other members of the Council did not favour such a radical departure from the past, possibly sensing repercussions from the people in the event services normally provided by the government were either discontinued or improperly carried out. Rumours were rampant."[44] Some Band members valued the agent for two apparently contradictory reasons: because he acted like a member of the community and because he was really not one of their own.

By 1964, Fred Hall had been at Walpole Island for twelve years. His family was growing up there and attending school with the Indian children. One informant said that Hall took a genuine interest in the people and in everything going on in the community. He attended the public social functions. Individuals could approach him about their problems.[45] In him the Band had a member of the Indian Affairs Branch working and living in their own community. Without an agent on the Island, Indian Affairs would be only a remote group of civil servants in Toronto and Ottawa. It is true that Leo Bonnah took a

great interest in Walpole Island, but he lived in Toronto and had responsibilities far beyond any one reserve or community. The Agent was valued by some for the very reason that others opposed him. He was a part of everything that went on in the community.

While Hall involved himself in community affairs, he was not a permanent part of the community. He had come to Walpole Island twelve years ago and would one day retire somewhere else. He was not a Band member and had no relatives in the community. This too was an asset in the eyes of some. They expressed a concern that without the counterweight of the agent, an all-powerful council would be inclined to dispense patronage on the basis of family relationships or would express favouritism in some other way. While this is a concern in every political community, it is more significant in Indian communities because "the assumptions as to the equal rights of individuals to benefit from band fund expenditures are more deeply held than is true of non-Indian attitudes to the use of their public revenues. Also the small population size of many Indian communities renders highly visible the correlation (or absence) between the equality of interest in these assets and the equality or inequality of benefit between individuals with respect to the purposes for which they are employed."[46] In fact, one of the first steps taken after the agent was withdrawn was to address part of this problem. Chiefs

and councillors were not to vote on issues where they had a direct monetary interest. Some problems had occurred in the past and a very real concern existed on the subject.

As previously described, there is also a distinction within the functioning of a band council, because it serves both reserve residents and all Band members, some of whom may not be resident on the reserve.[47] That some difference in interest between these two groups was perceived at Walpole Island in 1964 is evident from the criticism received by the Band manager for allowing non-resident Band members to vote in the Band election.[48] The connection between this issue and self-government was pointed out in the Hawthorn-Tremblay Report. "It seems likely, however, that this conflict will become more visible and painful as the band council gains autonomy from Branch controls and the council finds itself making partisan decisions about the purposes to which these assets will be put."[49]

These fears and concerns, as well as a genuine liking for Fred Hall personally, caused some people at Walpole Island to stand aloof from the campaign against the agent. Because he was aware of these contrary sentiments, Chief Jacobs had hesitated in his attempt to have the agent removed until he believed he had sufficient support from Band members and within the council. Although he believed that he had majority support after the Band election of June 1964, it was far from

unanimous. From the moment the Chief and his supporters began to move, they were opposed by some both within and without the council. At least three councillors consistently opposed the Chief's party on the issue, with some others shifting their allegiance from time to time. This group, together with the Band members who supported them, called themselves, or have since been termed, the citizens' committee or coalition. They also sent a delegation to Ottawa to see the Director in July 1964.

The division of opinion that Chief Jacobs had encountered when he was circulating his petition had now taken concrete form. An opposition group began to take strong action against the efforts of the Chief's party.

> They invaded our Council meeting in a large force, and they sat there, whispering, giggling, and sometimes interjecting during the course of the Council proceedings. Their purpose was to block motions by intimidations and to collect any evidence they could use to get us out of office. The Committee was composed of Indian people who were close to the Indian Agent and three employees of the Council. They were present at every Council meeting, and although they did not create any great problem, the real danger was the possibility that they could grow in numbers.[50]

Unfortunately, few of those who were identified with the opposition movement were willing to be interviewed for this study. Those who were interviewed were reluctant to discuss the subject or even to admit that an opposition movement had existed. For this reason, their point of view may not have received the representation it deserves.

When asked if the opposition in council had served a useful purpose, Burton Jacobs replied:

> I think it served a good purpose. It sort of brought matters to a head. If the citizen's committee hadn't been there this idea would have probably dragged on for maybe another year and maybe it might have petered out, but when they forced the issue I think we had to take very definite steps. So I think in that way it served a useful purpose.[51]

After the visits of the delegations to the Director in July, Indian Affairs officials in both Ottawa and Toronto pondered their course of action. At Walpole Island, the Chief and his party planned their next move. Since the request to remove Fred Hall was not acted upon, a Band council meeting was held on September 14, without the agent being present, and a Band Council Resolution (BCR) was passed and sent to Ottawa. The resolution read:

> Whereas the Walpole Island Council desires to accept the proposal offered by the Indian Affairs Branch that this Council assume a greater degree of responsibility in the management of its own affairs.

> And whereas the Walpole Island Indian Council feel that such an autonomy could not be achieved under the present Superintendent. Now therefore be it and it is hereby resolved that this Walpole Island Council petition the Director of Indian Affairs Branch of the Department ofCitizenship and Immigration to transfer the present Superintendent Mr. F.L. Hall immediately and to assign another officer of the Branch to fill the vacancy created by such transfer.[52]

This BCR was written on Band council letter-head rather than on the official form, which only the agent would have. Nor could it go to the Branch in the usual way through the agent. Nevertheless, it was sent to Ottawa. At this stage, the Chief and his supporters appear to have taken a personal approach to the problem, regarding Fred Hall as the obstacle to the achievement of greater self-government. The BCR merely asked for Hall's replacement by another official of the Branch. No direct action was taken to comply with this request.

> I never got a very definite answer from the Indian Department. They said that it was a very difficult request to make and I recall Mr. Bonnah saying that you can't just push buttons and switch Indian agents around. It takes time to find another position for them. So that was the excuse why that resolution wasn't acted upon.[53]

There is no doubt, however, that the council's startling and straightforward demand prompted the visit to Walpole Island by W.J. Brennan, a senior Branch official, to discuss the issues involved.

"He wanted to know what we wanted. Was it the intention of the Council to request a different agent or to operate without one."[54] The Council was divided on the question.

> We didn't come to any definite decision on just what we wanted. I think some of the councillors felt that another agent should be placed there, you know to replace Mr. Hall, and some of them felt we didn't need an agent, that we could operate without one. So some place along the way we decided we didn't need an agent at all.[55]

They would not do without an agent immediately. That was still in the future. However the meeting with Brennan had raised the possibility and advanced it a stage further. "One important outcome of this meeting, however, was the promise from the department that the Agent would not be present in the Council Meeting and that the Agent from Sarnia [Vern Robinson] would be assigned, giving to our Reserve whatever time was needed."[56] Burton Jacobs recalls a number of meetings with Leo Bonnah as well, where they agreed that Fred Hall should not be attending council meetings.[57]

It would be several months before Superintendent Hall left Walpole Island. Meanwhile, a compromise appears to have been worked out in an attempt to satisfy both factions of the Band, while saving face for Indian Affairs and its agent.[58] Superintendent Robinson, while retaining his position in Sarnia, would keep a watching brief on

affairs at Walpole Island without any action being taken to remove Fred Hall. The latter seems to have had no part in the political developments that followed, perhaps confining himself to office duties. Burton Jacobs said that he no longer attended council meetings.[59]

Superintendent Robinson attended council meetings but did not perform that duty in the customary way. No doubt under the instructions of his superiors, he played a passive rather than an active part. "He was present at the Council meetings. That was the agreement that Mr. Bonnah and I had decided that another agent would be assigned to sort of give us some guidance and he attended our Council meetings but he never said what we should do. He just simply listened."[60] Consequently his presence was not resented or objected to by the Chief and his party.

The obvious need had been to remove the conflict of authority. The replacement of Fred Hall by Vern Robinson, while leaving the Walpole Island agent where he was for the time being, accomplished this purpose temporarily without 'deserting' the Band as some opposition members had feared the Branch might do. This conciliatory action paved the way for the apparent reconciliation of all parties that lay behind the next milestone, the Band Council Resolution of December 28.

At some point, the issue had been expanded from one of replacing Fred Hall to the wider question of doing without an agent altogether and requesting the withdrawal of the agency staff. Assigning the Sarnia agent to watch over Walpole Island was a temporary expedient. A final decision on the question posed a dilemma for the Branch because of the difference of opinion within the Band. In a letter to Ottawa, Bonnah noted:

> Inasmuch as there seems to be some feeling among a certain sector of the Indian population on the reserve that Indian Affairs is deserting them, I made it a point to advise the Chief that in the Director's proposals, as submitted in his letter of August 20th, there was definitely no thought of deserting our responsibilities, nor would a vacuum be left if our agency administration was withdrawn to another point. The Chief seemed to be satisfied and it was at this time that he suggested he would like to come to Toronto to see me at a later date.[61]

Meanwhile, negotiations continued between Branch officials and the Walpole Island Chief and council in an attempt to resolve the issues.[62] While continuing to talk to Bonnah, the Chief also corresponded with the Director in Ottawa on the matters that had been raised with him. When no direct reply was received to the BCR of September 14, Chief Jacobs sent a follow-up letter asking what steps had been taken to comply with the request. The same letter outlined some areas of responsibility that might be transferred to the Band. These were estates (except probating), loans, leases, all public

works, winter works incentive programs and other development programs, as well as control of all grants. Chief Jacobs added, "We feel that as time goes on we will be in a better position to take on additional responsibility. We would like a reply regarding how soon the transfer could be completed."[63]

The Chief of the Agencies Division, A.G. Leslie, sent a copy of Chief Jacobs' letter to Bonnah and made reference to the latter's discussion with Chief Jacobs and the "Business Manager for the Walpole Island Band", Edsel Dodge. "It was presumed that you informed Chief Jacobs of the necessity of submitting the resolution on the official form and mention be made of the eventual withdrawal of our Agency staff from Walpole Island after a reasonable training period."[64] Bonnah subsequently informed Ottawa that a Band council meeting in mid-November would deal with the taking on of more responsibilities and the related question of the withdrawal of the agency staff. Bonnah then told Chief Jacobs that this matter should not be delayed, because they could hardly make staff transfers in the middle of winter.[65] As it turned out, there was little need for concern on that point, since a final decision was not made for several months.

However, by December, a satisfactory arrangement was in sight. Fred Hall would make his farewell appearance at a Band council meeting on December 28. At that same meeting, a Band Council Resolution was

passed setting out the Band's intention to function without an agent for a trial period of one year. This arrangement was intended to be progressive and to include not only "control and management over all matters relating to their Band", but also "such other matters as may be mutually agreed upon between Indian Affairs and the Band Council from time to time".[66] The decision-making initiative was to rest with the Band council. While immediate steps towards change were requested, the process was to be accelerated only at the rate that the Council decided it could handle. Similarly, after the one-year trial period, the Band council would make an assessment of the situation and decide on a future policy.

As a result, no doubt, of the preparation that had produced it, this motion was moved by one of the leading proponents of band self-government and seconded by a leading member of the opposition. In fact, all three of the leading opposition councillors signed the resolution along with those who had been working consistently toward functioning without the agent. Already the split brought about by this issue had begun to disappear. Unlike the resolutions of the previous summer, which had been party attacks on the agent and the agency system, the BCR of December 28 was a resolution supported by both parties. Because of this and because of its policy implications, this was a resolution Indian Affairs could support. It implied a

continuing, though diminished, role for the Branch. Its tone was positive rather than negative, as the resolution to replace Fred Hall had been, and it proposed a tentative solution that seemed reasonably satisfactory to all concerned. Indian Affairs had no doubt held its support in abeyance until this kind of agreement could be reached so as to avoid supporting one part of the Band against the other. In doing so, it had enabled the opposing sides to draw together sufficiently to produce a satisfactory solution and to place it formally on the record.

The Band Council Resolution of December 28, 1964 (Appendix 2) marks the turning point in the Band's struggle for self-government. With a great deal behind them and even more lying ahead, it was possible to say that from this point on they began to step out on their own. Yet the Resolution contained a good measure of caution. "Since the Walpole Island Council is somewhat pioneering in this regard," wrote Bonnah, "their caution can be appreciated."[67] In commenting on a similar issue, Burton Jacobs explained that anything that is introduced on the reserves is generally taken very cautiously. "The Indian people generally want a little bit of time to make an assessment of anything that's introduced."[68]

In retrospect, Burton Jacobs thinks that the reason why a trial period was asked for was to make it easier to get agreement to the proposal from all the councillors. In view of the unanimity of agreement reached on this resolution, the idea of a trial period was certainly successful. There was also a reason why a one-year rather than a two-year trial period was chosen. Vern Robinson pointed out that, although a one-year trial period is not very long, some of the councillors thought that a two-year trial period would expire shortly after the next Band election. If the composition of Council changed, the new council might throw out the plan if they did not agree with it. This way, the trial period would be judged by the same Council that had asked for it.[69] Superintendent Robinson forwarded the BCR to Toronto with his comments. "They did not want to be too specific in the areas of take-over as they would prefer to let this develop as their staff is hired and they get a greater understanding of the type of work that is now being done. We would appreciate receiving headquarters approval in principle of this resolution, so that the actual planning for the implementation of the resolution can be carried out."[70]

Robinson saw the Band's staff gradually increase and replace agency staff one by one until they had taken over completely. As the Band had asked for a one-year trial period, he suggested April 1, 1966

as a realistic target date for completing the removal of Agency staff. He did not raise the problem of the control of Band staff during this transitional period or the possibility of conflicting lines of authority.

That Indian Affairs had had a role in the BCR of December 28 was confirmed by Burton Jacobs who said, "Well, Mr. Bonnah and I talked about those things. He came around a number of times to talk to me about removal of the Agent and self-government and those are the points that we agreed on."[71]

By December 28 all seemed to have gone well. The bid for self-government had been accepted by Indian Affairs, the last local Indian agent had completed his tenure of office,* the split within the Band was well on the way to being repaired, and the Chief and council had taken charge with the administrative assistance of a full-time Band manager and four other employees. Vern Robinson's responsibility for the Band remained, but his visits caused no concern.

In spite of the active role of the Indian Affairs Branch in encouraging the Band's desire for self-government and in guiding developments along channels that it could approve, the Branch was generally unprepared for what had happened. The BCR of December 28

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* Fred Hall's removal was effective January 1, 1965.

contained a request to the Branch for an "annual grant as may be mutually agreed upon ... to assist in defraying administration costs". It is an indication of the degree to which the Walpole Island Band moved ahead of Branch expectations for band self-government that no policy or procedures had been prepared for making grants to bands for this purpose. Now the process was quickly set in motion in order to have some policy and procedures ready for the beginning of the new fiscal year on April 1.

Leo Bonnah also confirmed the general unpreparedness of the Branch to deal with the developments at Walpole Island when he wrote, "We had no act or regulations to satisfy the ambitions of the Walpole Council in their new request. A rule book had to be written and without delay."[72] The Assistant Deputy Minister relieved Bonnah of his duties as Regional Supervisor for Southern Ontario so that he could give "the Walpole project" his "undivided attention for two or three months commencing March 10, 1965".[73]

On Monday, March 8, the Band council met and passed a resolution that had the effect of dismissing the Band manager and two other employees. This action struck suddenly after relative calm had been restored, apparently taking all concerned by surprise. It is ironic

that Bonnah should have been freed from his other duties to give all his time to Walpole Island just as this event occurred. It is tempting to speculate whether he might have averted it had he been available a month or two earlier.

One informant, a member of council at the time, was careful to point out that the employees were not dismissed. Strictly interpreted, this is true. The Band Council Resolution of March 8, 1965, which effected the dismissals, resolved "that this Council state the positions of all Band employees be terminated as of March 8, 1965, with the exception of the Secretary-treasurer and the road foreman."[74] Further, the preamble to the the resolution declared that the Council wished "to re-organize the Walpole Island Band staff". It went on to state its purpose as the achievement of "the greatest possible administrative efficiency" and that "an efficient, self-administration can only be realized by the employment of faithful, well qualified employees". The implications of this statement are clear.

The resolution provided for the advertisement of two positions, an executive assistant and a stenographer. Qualified Band members of any reserve were allowed to apply as well as "any employee whose work shall have been terminated". The three employees who lost their positions did not re-apply. They considered taking legal action for

compensation on the grounds that they had been given no reason for dismissal; the invitation to re-apply was, in their view, ample evidence that no adequate cause for dismissal existed. In the end, they were compensated with one month's salary in lieu of notice.

After the general agreement of December 28, the BCR of March 8, dismissing the three employees was an anti-climax. It produced a straight party vote along the former lines. It was supported by the five councillors whom Chief Jacobs considered he could always count on[75] and one new councillor. It was opposed by those who habitually had opposed the Chief's party as well as by some who were not committed. The vote was a tie, which was broken by Chief Jacobs who voted in favour of the motion. While this was courageous on his part, the whole affair was unfortunate because of the bitterness it created.

There is little to suggest that Bonnah knew beforehand that anyone was going to introduce a motion to dismiss the three employees. Only his account of the affair raises a doubt; he refers to the regional staff having the weekend prior to Monday, March 8 "to meet the emergency". After describing the BCR of December 28 and the need that it produced for "a rule book" to be written without delay, Bonnah wrote:

> The Assistant Deputy Minister came to the rescue and decided the Regional Supervisor for Southern Ontario should give the Walpole project undivided attention for two or three months commencing March 10, 1965.
>
> The versatile staff at Regional Office had the week-end to reorganize to meet the emergency. Despite this it was too late to salvage much from the existing band staff structure. At the meeting on Monday morning, March 9, 1965* the Council took steps to dismiss the Manager, Welfare Officer and Recording Secretary.[76]

What was the "emergency" referred to here? Was it the implications of the BCR of December 28? This is an unlikely explanation. That event was more than two months old, and Bonnah's words suggest that the regional staff had only the one weekend to deal with the problem. Considering the statements that follow the comment about an emergency, the impression is created that Bonnah had some advance warning of what took place in Council on the following Monday morning. If so, there is no other indication that he did.* In the absence of some confirmation, the other possibility is that he was referring to the regional staff's reaction to his appointment, which he had described in the preceding paragraph, and the need to write a "rule book" without delay. It would have been strange if his staff had considered it necessary to work on the weekend for that purpose and that he should have referred to it as an emergency. No

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* The date of March 9 here is an error. Elsewhere in the same source and on the resolution in the Band Council Minute Book the date is March 8.

explanation is entirely satisfactory, but until some new information comes to light, it will remain a mystery whether Bonnah had advance warning of the dismissals.[77]

Until March 8, 1965, everything that had happened at Walpole Island had been treated by Indian Affairs seriously but calmly. The request for an administrative grant had certainly set in motion the development of policy and procedures with a sense of urgency, but not of crisis. The dismissal of the Band employees, on the other hand, was treated by Bonnah as a crisis.

> The situation was grim indeed. To complicate matters, the Council split down the middle on the question, voting 6-6, leaving the Chief to cast the deciding vote in favour of dismissal of the employees involved. Casting such a vote is not easy when, as in this case, the Manager was a nephew of the Chief.
>
> Upon arriving on the Island at noon tension was high. It was difficult to know who was on what side. In this case discretion is always the better part of valour. The rule was observed religiously. The Council reconvened after lunch to continue its business. During this session it was possible to arrange for Council to meet at Regional Office to consider <u>the whole subject of self-government</u>.[78]

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* Burton Jacobs stated that, to his knowledge, Bonnah was not told in advance, although he does not deny that someone might have done so. Unrecorded interview, September 18, 1984.

Following the March 8 council meeting, action was swift. Bonnah arranged a meeting at the Toronto Regional Office for two days, March 11 and 12. It was attended by eleven members of the Walpole Island Band Council and Chief Jacobs. Although it appears to have been arranged in response to the immediate crisis, the Toronto meeting had an air of academic leisure about it. The first item on the agenda, for example, was the proper title for the senior band administrative officer. This appearance is deceiving. While the agenda betrays no sense of crisis or even urgency, its subject matter goes right to the heart of the problem. They discussed band administrative structure and training for councillors and band staff. While this seemed to be in line with Bonnah's own interests anyway, the minutes of the proceedings[79] suggest that he recognized that insufficient thought had been given to the roles of those involved in this experiment in self-government. It is obvious from the attention given at this meeting to drawing up terms of reference for the band manager position that none had existed before. Informants were unanimous in confirming that conclusion. Bonnah was trying to ensure that the same mistake would not be made again when new staff were hired. He wrote that one might wonder at all the haste. He gave the answer that the council had advertised for staff replacements with the understanding that the dismissed staff members could re-apply. Although none did, Bonnah believed that some councillors were hoping that the former Band manager would apply again. "It was imperative he would no longer have to 'fly by the seat of his pants'."[80]

Another major concern at the meeting was the context for band government. Would it be under the Indian Act or follow the municipal model?

> The Indian Act provided the protection needed for the survival of the early Indian and in a neat package under Section III paved the way for his enfranchisement and the ascent of his reserve to municipal status. The latter might be achieved by the Band acquiring municipal status itself or as part of another municipality.
>
> The Walpole Island Council were not having any part of Section III and made their position clear in their disinterest in seeking municipal status under the Provincial Municipal Act.
>
> The alternative to this was to provide the step that would allow the Band to handle their own affairs yet remain within the Indian Act as was requested.[81]

While the various principles involved in band government were discussed, it was not possible for a large group at a two-day meeting to put together an adequate by-law in sufficient detail to govern administration and help the Band to avoid some of the perils already met or foreseen. Accordingly, Bonnah agreed to do some more research and to complete the drawing up of the by-law. It was also agreed that it would be sent to Chief Jacobs for discussion by the council.

At the same meeting, the BCR of December 28 was reviewed to make certain that everyone understood the intent of the council. To avoid misinterpretation, it was agreed unanimously that the main part of the resolution should have read:

> That inasmuch as a measure of self-government of the Band is desired this Council requests Indian Affairs Branch to institute steps to transfer jurisdiction to the Walpole Island Band over control and management of such matters relating to their Band as may be mutually agreed upon between Indian Affairs Branch and the Band Council from time to time.[82]

This would permit a progressive yet gradual movement towards control and management of matters affecting the Band and the Reserve. "The consensus of opinion indicated a gradual transfer of jurisdiction with every move well planned, would be more rewarding not only to the people on Walpole Island but the many other Indians who were watching this experiment with great anticipation."[83] It was agreed that as the Band council was able to strengthen its staff, Indian Affairs would gradually withdraw. A few things done well would be more beneficial than attempting too much at once and discrediting Band staff in the eyes of Band members.

While the decision to take over management of Band affairs bit by bit as they became able to do so held firm, the specifics remained unclear. "There was no general agreement on the specific areas the Council wished to make a start on although many felt training and taking over P.S.I. [Physicians' Services Incorporated - a health insurance plan] and Hospital coverage would be as good as any since the Band had quite an investment in these fields of administration."[84]

The question of the removal of the Agency office to Sarnia was raised. Even though the interim agent was now in Sarnia, there were still four employees of the Indian Affairs Branch working in the Agency office at Walpole Island. Its removal to Sarnia had been raised as early as Brennan's visit. It was implicit in the decision to do without an agent. Now the question was put to the Council and they all voted in the affirmative.[85] They were then asked to pass a resolution for approval by the Department.

> This will in effect amount to a withdrawal from the reserve to Sarnia. It will not be an amalgamation of the Sarnia and Walpole Island Indian Agencies, but rather the first step in the ultimate plan to give the Walpole Island Band full self-government. The duration of the temporary step cannot be assessed at this time. Much will depend on the manner in which the Band Council operates in the next year. While the Council is anxious to assume responsibility, it is also a little fearful about taking on too much immediately and it was made quite clear that they did not want any step taken that could not be retraced or reversed if events prove this to be necessary.[86]

An agreement was reached over the use of government files in the agency office, which council wished to take over as the Band office. Branch officials said that files were government property, but that they would be stripped to give the Band it information needed in areas where responsibility was being transferred.[87]

The Band budget and estimates were also given attention at the meeting. The difference between the Band budget and the agency estimates was explained. There was discussion of a master plan for the agency that would include expenditures from both Band funds and parliamentary votes. More Band planning of a long-term nature (five years or more) was proposed, with a Band council planning committee looking into and planning long-range projects.[88]

One interesting point made at this meeting was the need for better public relations and communication with the Band members. Although there was a Band News Sheet,* some thought there should also be a publicity committee. Perhaps here was a key to preventing differences of opinion from becoming factional disputes. "Nearly all felt there was much room for improvement in the matter of public relations and Band communications."[89]

Bonnah explained that the reason for the broad range of subjects covered in the agenda was to impress upon the Council the number and variety of issues they would have to consider as they pursued self-government. "It is an exciting venture for these people. Whether or not it will succeed to the extent desired cannot be determined here. One thing is certain, Walpole Island will never be the same again."[90]

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* This had been started by Edsel Dodge during his tenure of office as Band manager.

Bonnah seemed to believe that the experiment would succeed. In May, he assembled the various documents connected with the self-government experiment into a booklet and wrote the story to that time. The booklet received wide circulation among Indian Affairs personnel across Canada, so much so that it had to be reprinted in December.[91] The reason for the interest was anticipated in the foreword where the author wrote, "An attempt is made, however, to set out the order of events that preceded this historic move so that other Indian bands might benefit from this experience".[92]

Following the Toronto meeting, early action was taken on the issue of removing the agency office. Bonnah wrote to Ottawa:

> The ability to make a quick transfer of our staff to the Sarnia office upon receipt of the Walpole Island Council resolution, would be about the best assurance we could give the Indians at this time that we are trying to help them manage their own affairs. You will recall at our meeting last week one Councillor suggested that if the Branch was going to take another two or three years to make up its mind, they might as well drop the whole project.[93]

At the meeting a vote had been taken on the question and all the councillors had voted in the affirmative. "It was indicated to them that if this was the wish of the Council, it should pass a resolution for approval by the Department."[94] On March 29, a BCR was passed

requesting "That the Agency Administrative Staff operate from its Indian Agency in Sarnia effective April 1st, 1965 and the Agency office be made available for the Band's Administration."[95]* This resolution was passed swiftly through to Ottawa. On April 5, the Director wrote to the Deputy Minister, C.M. Isbister, recommending approval. He described the development at Walpole Island to date and the position that had been reached.

> Mr. Robinson, Superintendent of the Sarnia Agency, has been supervising the administration at Walpole Island for some months and has established an excellent relationship with the Council. They obviously do not wish to bring this relationship to an end and are wise enough to realize that they will need the assistance of competent Branch staff to help them with the problems they will encounter. However, they are most definite in wishing to have the freedom of operation that would result from our staff being located off the reserve and operating more in an advisory capacity than on a daily work basis on the reserve.
>
> We believe the resolution should be approved for a number of reasons. It will increase the stature of the Council and impress upon the Band membership as a whole that the Council is assuming a substantial measure of administrative authority. It will remove from the reserve Branch staff to whom Indians might go with their problems rather than dealing with the Band employee

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* In spite of the unanimous vote at the meeting, the three major 'opposition' Councillors did not sign the BCR of March 29. A London Free Press article of April 30, 1965 quoted Chief Jacobs as saying that some people still objected to the idea.

> whose duty it is to deal with the particular type of problem. It will mean that the Council will be put to the test and given a real opportunity to demonstrate its ability to manage the affairs of the Band. It is the natural first step to take in withdrawal of Branch administration from a Band and is in accord with our long range plan for most of the Bands in southern Ontario which envisages the withdrawal of staff to a central office.[96]

The resolution was given ministerial approval, and the withdrawal of the agency office took place at the end of April. Although Vern Robinson in Sarnia would retain responsibility for Walpole Island, a distinct change had come about in the way Band council meetings were conducted. Reporting on his attendance at the council meeting of May 10, Robinson said, "Attached is a copy of an agenda prepared by the Band Administrator and the Chief for this meeting". He wrote that he was pleased with the results of the meeting and stated, "It was also evident that our presence at the meeting was superfluous. It would seem that any future meetings [sic] we should perhaps put in an appearance for a short period of time at which any urgent questions that the Council might have for us could be dealt with."[97]

Bonnah had sent the draft by-law on Band staff to Chief Jacobs about the end of March. "While you will no doubt observe," he commented, "the by-law does not cover every conceivable situation that might arise, I think upon close perusal you will agree that it will be sufficient for the time being and provide not only the Council, but

your senior staff officer, some guidelines to follow in carrying out his duties. It would be nice if the by-law could be passed by the Council before anyone is hired to fill this post."[98] It was passed on March 29.[99]

In early April, Bonnah sent Chief Jacobs copies of a draft of "Regulations, Rules and Procedures for Personnel on Band Staff of Walpole Island". The dismissal of the three employees, and the consequent recurrence of sharp dissension on the Reserve, appears to have been taken seriously. "This is far from complete," Bonnah said, "but because of the urgency in this instance I thought it might be helpful for you and the Council to have some guidelines before hiring any more Band Staff." He told the Chief that he had now turned his attention to financial regulations.[100]

In advertising the staff positions, the council opened the competition to people from outside the Band. The successful applicant for the position of band administrator, as the senior person was now called, was Leighton Hopkins, a member of the Moravian Band. He had been an employee of the Indian Affairs Branch and had worked in the agency office at Walpole Island.[101] He took up his duties in mid-April 1965.[102] With the appointment of the band administrator and the removal of the agency office, the one-year trial period of self-government at Walpole Island had been well and truly launched.

Bonnah commented that following the appointment of a band administrator a good deal of ill-feeling continued "in certain circles" at Walpole Island. "This was not so much because of the appointment of a non-member as it was from hurt feelings and the dismissal of some staff members that had become somewhat of a fixture."[103] The activities of an opposition group or citizens' committee have already been described. Burton Jacobs said that those activities lasted only until the meeting at Toronto in March. "We got along fairly well with all the councillors. I would say that we got along very well."[104] This assessment is similar to Vern Robinson's description in his report of May 11th to Toronto.

> In the evening a Band meeting was held as advertised, to discuss self-administration. The Chief, ten councillors and myself spoke at the meeting. There were approximately 70 to 90 Band members in attendance. Once again, I was pleased with the unity of purpose and desire expressed by all of the Councillors to make this business work.[105]

Robinson was even more positive in his report two months later, except that heckling of council by Band members appears to have continued longer than other sources have suggested.

> The regular monthly meeting was held on the above date. Throughout the entire meeting there was not the slightest sign of the old split which has existed in the Band Council. There was not the slightest sign of any animosity between one councillor and another. There were some vigerous [sic] discussions but these were among councillors who usually support each other.

> There were never more than 2 spectators in the Council Chamber at any one time and for most of the meeting there were none at all. This is the first Council meeting that I have attended since my first trip to Walpole Island in Dec/64 in which there was absolutely no heckling from the spectators.[106]

Although the struggle for self-government had been concentrated on form rather than on any specific project, the original purpose had been practical. When asked if there were any specific goals or whether they were limited to the short-term goal of getting rid of the agent, Burton Jacobs replied, "After we got rid of the Agent, we started to make plans, long-range plans, which included the construction of the bridge and centralizing the schools and, of course, building of a day-care."[107]

All of these projects were initiated during the one-year trial period. The school committee in conjunction with the Band council requested that a central school be built.

> We had a scattered school system while the agents were around and five schools altogether on different parts of the Reserve and this made it very inconvenient for the principal to take charge of the administration. He told me himself that he wished that there was just one central school. So I worked on this for maybe five years actually, to bring this to a head and we succeeded with some difficulty.[108]

Another Band facility that took a few years to complete is the day care centre. This was another project initiated during that first year of self-government. Chief Jacobs wrote to the Deputy Minister of Welfare for the Province of Ontario requesting that the Day Nurseries Act be amended to enable Indian reserves to receive provincial grants in the same way as municipalities.[109]

The building of the bridge, Burton Jacobs said, was an old idea that went back to about 1938. "There were two motions on the books which requested the building of the bridge before we took hold of it."[110] The agent was not very enthusiastic about it and nothing was done, he said. Once the Band was on its own, this project was also pushed forward. A letter was drafted and sent to all members of Parliament to enlist their support and to invite them to visit Walpole Island to see the self-government project for themselves.[111]

The issue of the bridge provides an interesting example of how an Indian band and the Indian Affairs department can develop opposing views on the same subject. Branch director Battle told the Minister:

> It is not easy for a 'doer' to resist the temptation to move in and get things done when there is a slow down. We have deliberately held back in trying to solve the problem of the bridge because it is the Band Council that should assume this responsibility. This approach often casts us in a poor light and leaves us open to criticism, but it is a cross we must bear in the interests of progress. The problem is to decide when to act decisively and when to hold back.[112]

On the other hand, Burton Jacobs wrote:

> We have found through bitter experience that providing good service is not the specialty of the Indian Affairs. For one year now the Indian Affairs Engineering have been working on a simple bridge design for us. There is no sign of it yet. Give any engineer one week; he would have the blue prints completed.[113]

Although the Band's initial request for a bridge was turned down by the Minister of Indian Affairs, they continued seeking support. The bridge was finally constructed and opened in 1970. This event was a high point in Burton Jacob's ten-year career as chief.

Immediately after the one-year trial period began, a Band Council Resolution (#1, April 12, 1965) was passed requesting an expenditure of $1,250 from the Band's revenue account to undertake a developmental survey of the Reserve.[114] Bonnah's comment on this request was:

> No doubt the reasoning back of this is simply that since the Band Council has taken the initial step towards self-government they want to get something done on the island with the vast resources that are available there and which the Council feel have not been given too much consideration in the past by the Branch.[115]

The survey was conducted by the St. Clair Regional Development Association. While awaiting the results, the Band came up with further ideas. They requested the services of a project or development officer of the Branch to assist in the long-range planning

and development of the Reserve in view of its great potential. Council was already thinking of farming their own land after the current leases had expired.'[116] These thoughts bore fruit several years later in the Band-operated farm, Tahgahoning Enterprise. Fishing and hunting permit sales were handled that year by the Band's staff and showed a general increase. Arrangements were also made during this trial year for the appointment of a Band member, William Colwell, as Band constable and to have him attend a six-week training course at the Ontario Police College in Aylmer. This was the beginning of the present Walpole Island Police Department.

As the one-year trial period drew to a close, Council reviewed its experiment in self-government and passed favourable judgement upon it. A Band Council Resolution in February 1966 requested the indefinite continuation of self-government for the Walpole Island Band:

> Moved by Joe Sands, seconded by Simpson Brigham that in as much as a measure of self government of the Band is desired; This Council requests Indian Affairs Branch to institute steps to transfer jurisdiction to the Walpole Island Band Control and Management over all matters relating to their Band. And such other matters as may be mutually agreed upon between Indian Affairs and the Band Council from time to time. ...
>
> Be it further resolved that this move towards self Government of the Walpole Island Band be on a continuing basis. With the condition this council does not break its ties with the Federal Government.'[117]

Council further requested that the change-over process be conducted only at the speed that they decided they could handle. They asked for an annual grant from parliamentary appropriations to assist in defraying administration costs and requested that the former agency office building, the superintendent's residence, the other buildings on the same lot, and all equipment listed on the Walpole Island agency inventory be transferred to the Band.

In sending this resolution to the regional office in Toronto, Superintendent Robinson explained how it had come about. When the one-year trial period was about to expire, the Chief called a special meeting. Its importance is marked by the fact that Leo Bonnah was invited to attend. "While a number of the Councillors had some questions in their mind, not one of them expressed objection to the self-government and most of them expressed some pride in their year's programme."[118] Unlike the December 28 meeting in 1964, however, where councillors on both sides of the issue had signed the resolution, the three councillors who had been in opposition eighteen months before did not register a vote and did not sign the resolution. This is strange in view of the apparent reconciliation that had taken place and the fact that the new resolution was similar to the 1964 original. None of the councillors had made an objection at the meeting, and it has not been possible to learn why they were

reluctant to concur in the continuation of self-government. Bonnah, who attended the meeting, told R.F. Battle, by then Assistant Deputy Minister (ADM), that "the three abstainers from voting registered no complaint whatever against continuing indefinitely. I feel we can conclude that the experiment, in every sense of the word, has been very successful."[119]

In the arrangements made for continuing self-government, some controls still remained. These were described in detail in a memorandum from Battle to Leonard Marchand who was then Special Assistant to the Minister.[120] The annual Band budget still required ministerial approval. The Band had to provide an audit of its expenditures, at its own expense, and submit it to the Branch for comparison with approved budget items. Band by-laws were subject to ministerial approval. Most matters involving lands, membership, and estates were either handled by the Branch or required approval. "Indian Affairs Branch field staff continue to provide guidance and advice. This is being requested primarily on a specialised basis."[121]

Bonnah wrote to the ADM recommending that the Band's resolution to continue self-government be approved. He also listed the specific areas of responsibility that should be transferred to the Band.[122] These areas were described in a memorandum of March 17, 1966 drawn up

by the ADM for ministerial approval. This important document, on which the Minister wrote "I agree", has been included as Appendix 3. It recites the main points in the development of self-government at Walpole Island including the major achievements during the one-year trial period. With the Minister's approval written on it, this document marks the final success of the Band in taking charge of its own affairs.

Bonnah told the Windsor Star, "They're just living up to our expectations. They should have been governing themselves for a long time".[123] With ministerial approval for continuing the exercise of self-government by the Walpole Island Band, the transfer to them of agency buildings and equipment, and arrangements in place for an administrative grant, the experiment had been concluded and Walpole Island became the first Indian band in Canada to shed the agency system and take control of its own affairs. The final test of the success of the experiment was to seek the approval of Band members when the next election was held. This occurred that same summer. Chief Jacobs was returned to office and, in Bonnah's opinion, the election generally indicated Band satisfaction with what their chief and council had been doing for the past two years.

> Both you and Mr. Tully will be interested in knowing that the project at Walpole Island has now undergone the test of a Band election. I have never experienced in my years in Indian Affairs, such a widespread public

> interest by the Indian people in a Band election. The upshot of this was that several new men are on the Council, including the deposed Band Manager and another graduate of Coady Institute who tried his hand for the first time at a Band election. I understand the new Council has no intention of looking back.'[124]

The Annual Report of the Department of Citizenship and Immigration for 1964-65 gave a dry account of the whole episode.

> The Branch encourages councils to assume an increasing measure of responsibility for the conduct and management of the affairs of their communities. During the year the Walpole Island Band in southern Ontario assumed the responsibilities of the Agency office previously stationed there. The band council conducts the community's affairs with the aid of a band manager and staff appointed from band membership by the council.'[125]

However, the ADM, Robert Battle, wrote, "It is anticipated that Walpole Island's successful growth to greater autonomy will be a stimulus to other Bands to follow suit."'[126] No doubt it had been an encouragement to other bands. As early as April 8, 1965, when the trial period was just beginning, Bonnah had referred to applications already coming in for self-government, "even though we realize the Bands involved have not been properly conditioned to this major step."'[127]

Obviously, many bands did follow Walpole Island's example. The administrative grants ; ogram to enable bands to gain program management experience and to employ staff to assist in the administration of band affairs grew from an expenditure of $66,892 in the 1965-66 fiscal year during Walpole Island's one-year trial period to an expenditure of $445,306 in 1966-67. Most of this money was used to employ band staff.[128]

NOTES PART II

1. Hawthorn-Tremblay Report, Volume I, p. 263.

2. Indian Affairs Branch, Regional Office, Self-Government Walpole Island Band Ontario (Toronto: 1965), p. 1. Hereafter referred to as the Green Book.

3. Burton Jacobs, "The Indian Agent System and Our Move to Self-Government" in Nindawaabjig, Walpole Island: The Struggle for Self-Sufficiency, Occasional Paper No. 3, May 1984, pp. 20-21. Hereafter cited as Toronto Address.

4. Hawthorn-Tremblay Report, Volume II, p. 239.

5. Ibid.

6. Ibid. Volume I, p. 263.

7. Burton Jacobs, Interview Transcript 2B, May 26, 1984, p. 7.

8. Ibid.

9. Hawthorn-Tremblay Report, Volume I, p. 59.

10. Burton Jacobs, Interview Transcript 6A, May 31, 1984, p. 1.

11. Toronto Address, p. 21.

12. Parker Pinnance, unrecorded interview, May 17, 1984.

13. Geraldine Peters, Interview Transcript 5A, May 29, 1984, p. 9.

14. Toronto Address, p. 23.

15. Hawthorn-Tremblay Report, Volume II, pp. 242-43.

16. Ibid., Volume I, p. 58.

17. Ibid., Volume I, p. 59.

18. R.W. Dunning, "Some Aspects of Governmental Indian Policy and Administration", Anthropologica 4/2 (1962), p. 226.

19. Nindawaabjig, Letter from Burton Jacobs to Howard E. Staats, January 14, 1966. Cited as Staats letter.

20. Burton Jacobs, Interview Transcript 2A, May 26, 1984, pp. 7-8.

21. Toronto Address, pp. 23-24.

22. Ibid.

23. Staats letter.

24. The story that follows appeared in the Toronto Address, pp. 24-25.

25. Ibid., p. 26.

26. Green Book, p. 3.

27. Ibid.

28. Hawthorn-Tremblay Report, I, 285.

29. Ibid., Volume II, p. 181.

30. Ibid., Volume I. p. 310.

31. Burton Jacobs, Interview Transcript 2A, May 26, 1984, p. 1.

32. Green Book, p. 2.

33. Simpson Brigham, unrecorded interview, May 30, 1984.

34. Edsel Dodge, Interview Transcript 4A, May 28, 1984, p. 1.

35. Green Book, p. 2.

36. Ibid.

37. Burton Jacobs, Interview Transcript 2A, May 26, 1984, p. 13.

38. Information supplied by Simpson Brigham at an unrecorded interview on May 27, 1984 and later confirmed by Burton Jacobs.

39. Staats letter.

40. Burton Jacobs, Interview Transcript 4B, May 31, 1984, pp. 10-11.

41. Staats letter.

42. Green Book, p. 5.

43. Ibid.

44. Ibid.

45. Geraldine Peters, Interview Transcript 5A, May 29, 1984, pp. 10-12.

46. Hawthorn-Tremblay Report, Volume I, p. 274.

47. Ibid, Volume I, pp. 272-76.

48. Edsel Dodge, Interview Transcript 4A, May 28, 1984, pp. 9-10.

49. Hawthorn-Tremblay Report, Volume I, p. 274.

50. Toronto Address, pp. 27-28.

51. Burton Jacobs, Interview Transcript 6B, May 31, 1984, p. 4.

52. Walpole Island Band Council Minute Book.

53. Burton Jacobs, Interview Transcript 2B, May 26, 1984, p. 1.

54. Staats letter.

55. Burton Jacobs, Interview Transcript 2B, May 26, 1984, pp. 5-6.

56. Staats letter.

57. Burton Jacobs, Interview Transcript 6A, May 31, 1984, p. 5.

58. INAC file 471/3-1, Vols. 1 and 2, Bonnah to the Indian Affairs Branch, Ottawa (IAB), September 22, 1964.

59. Burton Jacobs, Interview Transcript 6A, May 31, 1984, p. 3.

60. Burton Jacobs, Interview Transcript 3A, May 28, 1984, p. 10.

61. INAC file 471/3-1, Vols. 1 and 2, Bonnah to IAB, September 22, 1964.

62. Ibid., Bonnah to A.G. Leslie, Chief, Agencies Division, January 7, 1965.

63. Ibid., Jacobs to R.F. Battle, October 19, 1964.

64. Ibid., Leslie to Bonnah, October 22, 1964.

65. Ibid., Bonnah to IAB, November 4, 1964.

66. Band Council Minute Book.

67. INAC file 471/3-1, Vols. 1 and 2, Bonnah to Leslie, January 7, 1965.

68. Burton Jacobs, Interview Transcript 4B, May 31, 1984, p. 3.

69. INAC file 471/3-1, Vols. 1 and 2, Robinson to Bonnah, January 6, 1965.

70. Ibid.

71. Burton Jacobs, Interview Transcript 3A, May 28, 1984, p. 13.

72. Green Book, p. 6.

73. Ibid.

74. Band Council Minute Book.

75. Burton Jacobs, Interview Transcript 3A, May 28, 1984, p. 9.

76. Green Book, p. 6.

77. There is one piece of correspondence that suggests that this meeting had been planned ahead of time. Battle wrote to the Chief, Federal-provincial Relations, on February 26 that they should proceed to "arrange a meeting in Toronto of the Walpole Island Band Council to determine what steps need to be taken to provide for band administration when Mr. Dodge's probationary period ends, and work out the duties and responsibilities of band employees". (INAC file 471/3-1, Vols. 1 and 2, Battle to Chief, Federal-provincial Relations, February 26, 1965.) Had the meeting already been planned? Did the event three days before merely give it added urgency?

78. Green Book, p. 6.

79. Ibid., Appendix E.

80. Ibid., p. 8.

81. Ibid., p. 5.

82. Ibid., Appendix E, p. 6.

83. Ibid.

84. Green Book, p. 7.

85. INAC file 471/3-1, Vols. 1 and 2, L.L. Brown to Battle, March 22, 1965.

86. Ibid.

87. Green Book, Appendix E, p. 6.

88. Ibid., p. 5.

89. Ibid., p. 4.

90. Green Book, p. 11.

91. INAC file 471/3-1, Vols. 1 and 2, Bonnah to W. Rudnicki, November 25, 1965.

92. Green Book, Foreword.

93. INAC file 471/3-1, Vols. 1 and 2, Bonnah to Brown, March 17, 1965.

94. Ibid., Brown to Assistant Deputy Minister (Indian Affairs), March 22, 1965.

95. Band Council Minute Book.

96. INAC file 471/3-1, Vols. 1 and 2, Battle to Deputy Minister, April 5, 1965.

97. Ibid., Robinson to Bonnah, May 11, 1965.

98. Ibid., Bonnah to Jacobs, March 24, 1965.

99. Ibid., Battle to Deputy Minister, April 5, 1965.

100. Ibid., Bonnah to Jacobs, April 5, 1965. All of these regulations were passed by Council on April 12, 1965 (Ibid., Bonnah to Brown, April 13, 1965.)

101. Ibid., Battle to Deputy Minister, April 5, 1965.

102. Ibid., Bonnah to Brown, April 23, 1965.

103. Green Book, p. 8.

104. Burton Jacobs, Interview transcript 3B, May 28, 1984, p. 11.

105. INAC file 471/3-1, Vols. 1 and 2, Robinson to Bonnah, May 11, 1965.

106. Ibid., Robinson to Bonnah, July 14, 1965.

107. Burton Jacobs, Interview transcript 6A, May 31, 1984, p. 8.

108. Ibid., p. 10.

109. INAC file 471/3-1, Vols. 1 and 2, Jacobs to Bonnah, November 21, 1965.

110. Burton Jacobs, Interview transcript 6A, May 31, 1984, p. 9.

111. INAC file 471/3-1, Vol. 2, Robinson to Headquarters, Semi-Annual Report, April 7, 1966.

112. Ibid., Battle to the Minister, January 24, 1967.

113. Staats letter.

114. INAC file 471/3-1, Vols. 1 and 2, Bonnah to IAB, May 3, 1965.

115. Ibid.

116. Ibid., Vol. 2, Robinson to Headquarters, Semi-Annual Report, April 7, 1966.

117. Ibid., Band Council Resolution 1965-66-9, February 21, 1966.

118. Ibid., Robinson to Bonnah, February 23, 1966.

119. Ibid., Bonnah to Assistant Deputy Minister, February 24, 1966.

120. Ibid., Battle to Leonard Marchand, May 10, 1966.

121. Ibid.

122. Ibid., Bonnah to the ADM, February 24, 1966.

123. Windsor Star, February 23, 1966.

124. INAC file 471/3-1-7, Vol. 1, Bonnah to Ralph Ragan, Regional Director in Edmonton, August 10, 1966.

125. Department of Citizenship and Immigration - Indian Affairs Branch, Annual Report, 1964-65, p. 41.

126. INAC file 471/3-1-7, Vol. 1, Battle to the Minister, July 18, 1966.

127. INAC file 471/3-1, Vols. 1 and 2, Bonnah to Brown, April 8, 1965.

128. Department of Indian Affairs and Northern Development, Annual Report, 1966-67, pp. 51-52.

PART III

FURTHER ANALYSIS

A. The Role of the Indian Agent

At first sight, the story of the achievement of a measure of self-government at Walpole Island between 1963 and 1966 appears as a simple struggle between authority from above, or outside the community, as represented by the Indian agency superintendent, and the popular will as represented by Chief Jacobs. That is certainly a major thread in the tapestry. However, the full story is much more complex than that. We have already seen that the popular will was divided, not equally perhaps, but divided nevertheless. Until that split was resolved, the division placed some Band members and councillors on the side of authority.

On the other hand, authority was the Indian Affairs Branch with many bureaucratic levels and individual actors, from the agent up to the Minister. Principally these were the agency, with Superintendent Fred Hall, the regional level presided over by Leo Bonnah, and headquarters where Robert Battle was Director of Indian Affairs (and later Assistant Deputy Minister).

The regional and headquarters levels appear to have held views that were not entirely inconsistent with those of Chief Jacobs and his supporters. Any reluctance they showed towards quick action in the

direction requested can generally be explained by their desire to heal the division in the Band and to see it move ahead as a united community. It was Superintendent Hall who appeared to be out of step.

All of the interviewees saw the role of agent as an obstruction to self-government. Those who had worked against retention of the agent saw little good in either the office or the office-holder. One interviewee, who had been a Band employee, considered that the agent had too much power but thought that Fred Hall had been a good agent and had used his power for the good of the community.

While the headquarters and regional levels of Indian Affairs attempted to strike a neutral stance, their sympathies were in line with the general objective of the Chief's party. Fred Hall might have had the same general objective. His position, however, was different from that of the remoter levels of Indian Affairs. His role required him to be in the front line.

The encouragement given to bands to take on more responsibility was bound to lead to conflicts with the agent unless the responsibilities and orientation of that position were progressively modified to match the changing division of powers. Something similar was stated in the Hawthorn-Tremblay Report. With reference to the verbal assent given by the Branch to the desirability of local self-government by and for the Indian people, the Report reads,

> ...that at the level of generalised policy the Branch now sees itself as a development agency working with Indians rather than as a caretaking agency protecting its wards. Ultimately, however, policy has to manifest itself in new patterns of relationships between Branch officials, especially at the Agency level, and Indians.[1]

Hence the following recommendation appeared in the Report, which was published two years after the conflict at Walpole Island began.

> As administrative competence improves at the reserve level it is essential that the role of the superintendent alter accordingly. Wherever possible Council meetings, the recording of Council minutes, the drawing up of bylaws and the keeping of accounts should be carried out by the Council with the superintendent acting in an advisory capacity when requested to do so.[2]

This does not appear to have been done at Walpole Island until the situation had reached a crisis and Superintendent Robinson was sent in. The failure to do so had left Superintendent Hall in an increasingly untenable position. He would almost inevitably be cast as the enemy by the Chief's party.

There have also been suggestions that Fred Hall's personality and actions in the later years might not have suited the new role demanded of him.

> In the first place, the relations between the Band Council and the former Superintendent of the Walpole Island Indian Agency, Mr. F.L. Hall, had progressively deteriorated to the point where the Council demanded

> and we agreed to remove him from the Agency. It is probable that Mr. Hall was responsible to a large degree for instilling in the Band a desire for self-government. Unfortunately, his later actions mitigated against the process.[3]

The problem may have been connected with his health. A letter in departmental files offers the opinion that Hall's physical condition was such that he could hardly cope with the Walpole agency requirements. With regard to a proposal to give Hall greater responsibility, the writer commented that the Sarnia Band was very difficult to deal with and that, in a new or strange situation, Hall would be completely inadequate. He did not think that he could assume any additional responsibility.[4] However, the major problem lay in the position in which the agent was placed. This dilemma was described in some detail by Battle in a memorandum to the Minister.

> I just don't think it is possible for a good administrator, however well he is trained, to work in an Indian community in a way that will really encourage people to do things for themselves. Inevitably, because of demands made upon him from the top down and because of his desire to serve responsibly and well, he finds himself taking initiatives and performing tasks which the people should undertake themselves. He is a victim of the system that employs him. If the houses do not go up, or the roads are not maintained, or the children do not get to school, the Director of Indian Affairs holds him responsible, because the Director wants to achieve the program objectives and satisfy the Minister and the Government. The administrator's natural reaction is to act--if the Indians do not respond--immediately. He feels compelled to exert pressures, and where these fail to produce results, to get the work done in the best way possible. If he succeeds, the local M.P. sees all the shiny new houses

> and reports that he is a good superintendent. If he fails, it is not long before there are complaints about his work. Results are expected, and results are usually measured in terms of material things--houses, roads, schools--not in terms of the slow and intangible changes in attitudes on the part of the people themselves.[5]

The Hawthorn-Tremblay Report quoted similar observations provided by a field worker.

> The emphasis of the procedures of officials at the lower levels of Indian Affairs remains largely in the direction of ensuring that the bureaucratic machine runs smoothly rather than in attempting to establish 'good' (i.e., responsible to the majority) government. In other words, there is a primary concern with making local government responsible to Indian Affairs rather than to the Indians...This bias is (partially) to be found in the heavy demands placed on those individuals at the agency level in Indian Affairs. These men cannot really afford to entertain anything but narrow views and shallow objectives, for it takes all their ability just to accommodate temporarily the many interests they cannot afford to neglect. The net result of this seems to be a satisfaction of the demands of the bureaucracy and a neutralization, if anything, of the demands of the Indians. Although 'progressive' policies may be passed down from the senior levels of Indian Affairs, the higher 'time preference' of officials at the lower levels nullifies their effectiveness...The inclination to place the emphasis on paper work rather than people is especially true for 'career' men in Indian Affairs, who have no desire to try something new for fear that it will go wrong.[6]

In both these assessments, getting things done and human development have been regarded as hindrances to each other. Some minor modification of that assessment is required. According to a contemporary account in a national news publication, Fred Hall did manage to do a little of both.[7] The article dealt with Walpole Island and the work of the superintendent. The journalist, Jeannine Locke, contrasted Walpole Island then (1964) with its situation fifteen years earlier. Besides material improvements on the Island (she cited buildings and community services), there had been an advancement in the assumption of more responsibility by the Band. In 1959, they took on the handling of their own revenue account, and in 1961, the administration of local welfare under Ontario's General Welfare Assistance Act.[8]

That these improvements occurred is a matter of record. Assessing their overall significance and explaining why they took place is more difficult. Locke attributed the improvements to "a social, economic and political revolution in which all citizens have played an energetic role". Nevertheless, she implied that Fred Hall had contributed significantly to the successful outcome of that revolution.

> Walpole Island is an Indian reserve. Fifteen years ago it was an unorganized, inadequately serviced and ill-housed community of apathetic people. The elected band council leaned heavily on the resident Indian Affairs Branch superintendent; it had never been encouraged to do otherwise. Then, early in 1952, Walpole Island got a new superintendent, F.H. Hall. A former teacher, Hall saw his roll [sic] as educative, not merely administrative. He began by giving the band council its first taste of responsibility. Henceforth, he announced, the band's elected representatives would run the community; he was there merely to advise.

Locke did note the move to get rid of the agent, which was at its most intense about the time this article must have been prepared.

> At Walpole Island's last election 59 candidates competed for 12 council seats. One of the candidates made a single campaign promise: He would try, he said, to rid the reserve of Superintendent Hall. He was elected. Hall was pleased by the success of his critic's campaign. It meant, the superintendent felt, that he had done a good job of community development.

Did Fred Hall play a positive role in advancing the Walpole Island Band towards greater self-government as Jeannine Locke's article suggests? It is possible that he did. There is some favourable opinion towards Fred Hall personally and the work that he did in the community. Most of the negative opinion expressed about the agent was directed towards the office rather than the office-holder, insofar as the two could be separated. Any assessment must also take into account that most of those who agreed to be

interviewed were of the party that had opposed the agent. Unfortunately, there is not enough information, or the kind of information, that would permit a conclusive answer to the question.

A number of factors leading towards self-government did come together at the same time. Fred Hall's incumbency as agent (1952-64) also occurred during that period. While it is not possible to say whether his presence was a positive or negative factor, there is no doubt that the role of Indian agent had become an obstruction in the path of self-government. As more responsibility was assumed by the Band, it was inevitable that their aspirations would come into conflict with the responsibility and authority held by a local representative of the Indian Affairs Branch. Even if Fred Hall had encouraged independence and responsibility on the part of the Band, he would have been regarded more and more as an obstacle to progress to the degree that his efforts had succeeded. Hence, it is difficult to draw conclusions about the role of the person, but there is no doubt that whatever useful function the office may have performed in the past, its usefulness had come to an end.

B. The Withdrawal of the Agency Office

Correspondence in departmental files reveals that a proposal had been under consideration within the Indian Affairs Branch to withdraw the agency office from Walpole Island even before a formal request had been made by the Band. "We should keep in mind that the reorganization proposed for Southern Ontario and discussed from time to time involved amalgamation of the Sarnia, Walpole Island and the Caradoc Agencies with Headquarters at London."[9]

At first sight, this is a shocking discovery in the light of our knowledge of subsequent events. If the Branch had been considering the withdrawal of the agency office from Walpole Island anyway, why did it take so long to do so once the Band council had made the request? Part of the answer is found in the information already presented in this study. The split in public opinion within the Band on the issue of the agent and the agency made it difficult for Branch officials to make any move in that direction for several months, and they did not want to withdraw the agency without general Band concurrence. A.G. Leslie, Chief of the Agencies Division in Ottawa, recommended to the Director that "the Indians concerned be informed of the Branch's proposals and given an opportunity to voice any objections they may have".[10]

Moreover, the Band council's move caught the Branch by surprise. They were not yet ready to take action. Although a proposal to amalgamate the agencies and move the headquarters to London had been made, no final decision appears to have been reached by July 1964. Several variations on the original proposal were made. Bonnah suggested to Ottawa that two amalgamated agencies should be established instead. One of these, which he termed the "Wallaceburg Agency", would have incorporated Walpole Island, Sarnia, and Moravian and would have been placed under the superintendency of Fred Hall.

Bonnah's suggestion appears to have been an intermediate solution given in response to the more radical proposal, because he continued, "I realize some thoughts were advanced towards the amalgamation of all existing agencies in Southwestern Ontario at London. I do not think this is in the interests of the Indians and I feel quite confident such a drastic move would only create a great deal of ill will between the Indians and the Branch".[12]

On June 8, Leslie recommended to Battle an even more moderate change. He recommended that the Moravian Band be transferred to the Walpole Island agency and that the agency office be withdrawn from the Reserve to Wallaceburg. "The Walpole Island Band has appointed a Band Manager and have reached a degree of development where withdrawal is clearly indicated."[13]

By July 6, his proposal was simply to withdraw the Walpole Island agency office to Wallaceburg. His recommendation was clearly connected with the presence at Walpole Island of a Band manager. He did not recommend a move from Sarnia, on the grounds that the Band were not in a position at that time to replace the Branch staff with an Indian band manager.

> However, with respect to Walpole Island--there is a Band Manager trained and accepted by the Indians; the Indians appear receptive to our idea of withdrawal and are, in fact, paying the full cost of the Band Manager, Edsel Dodge, from their Trust Fund. (The indications are that it would be desirable for the Branch to make some arrangement to provide Mr. Dodge with a secretary.) Therefore, we might properly withdraw from Walpole Island.[14]

Leslie's surmise that "the Indians appear receptive to our idea of withdrawal" was not entirely true. That Leslie realized this himself is evident from the rest of his letter. He seemed to recognize that many of the Walpole Island people approached the idea of the withdrawal of the agent very conservatively.

> Consult with the Indians of Walpole Island and give them full information as to why, in our view, this would contribute to the long-term welfare and progress of the Band. Time would be given to the Indians to discuss this matter among themselves and in due course

> a Band Council Resolution, hopefully, consenting to the move would be submitted to the Branch. Discussions with Mr. Bonnah indicate that it might be unwise to withdraw either to Caradoc or to London at this time. He feels that there would be no problem to withdrawing to Wallaceburg.[15]

The Band was never consulted about these proposals. In a letter dated October 31, 1984, Burton Jacobs stated that neither he nor Simpson Brigham recalls being told about them. All proposals to amalgamate agencies and to move the agency office from Walpole Island became redundant in the light of the self-government concept, which the Band initiated shortly afterwards.

If the proposal to move the agency office to Wallaceburg had been adopted, Fred Hall would likely have been in charge, with the possibility of an assistant agent stationed on Walpole Island.[16] Depending on the character of the assistant agent and the terms of reference for the position, this arrangement might or might not have met Chief Jacobs' requirements. A full withdrawal to London would certainly have done so.

Why, then, did Battle not proceed with his ultimate intention to withdraw the agencies to London? As we have seen from the correspondence quoted, his officials were no longer recommending that move for the time being, although it was retained as the ultimate

objective. Several reasons for hesitation were given that applied to the other agencies. The main reason for not doing so at Walpole Island appears to have been the local opposition to withdrawal of the agency hinted at in Leslie's letter and which we now know to have existed.[17] Three weeks after this letter was written, Battle would have learned about the situation for himself when opposing delegations from Walpole Island visited him at the end of July 1964. There was also the idea that the band manager and any other band staff were to be trained by the agency staff. That consideration did not appear in the earlier correspondence on withdrawal, but it was mentioned several times in connection with the withdrawal to Sarnia, as already noted.

It appears likely that the Branch reconsidered its original proposals for the withdrawal of the agency office from Walpole Island in the light of the surprising speed with which Chief Jacobs and his supporters began to pursue the goal of self-government and the resultant split in Band opinion on the issue. The intentions of the Branch and the Band Council were running roughly parallel to each other in July 1964. However, neither of them was yet very specific about what they wanted or intended to do. The Band knew its ultimate objective. They wanted to run their own affairs. They were not yet too clear about where to begin, apart from getting rid of the agent. The Branch knew what it wanted to do too, but was also unclear about

the intermediate steps, and officials were proceeding cautiously. The subsequent developments at Walpole Island produced even greater caution among Branch officials.

Consequently, it was several months before the Band and the Branch were able to merge their objectives and concerns in the self-government proposal of December 28 and the decision to move the agency office to Sarnia at the end of the following April.

C. The Dismissal of the Employees

In seeking greater self-government, the Chief's party believed that it was necessary to get rid of the agent. This objective aroused opposition both within the Council and within the Band. The conflict between the two factions became very bitter and has left scars to this day. Among the victims of this internal conflict were the first band manager and two other Band employees. They were considered by the Chief's party to have worked on the side of the Citizens' Committee and, in the case of Edsel Dodge, to have been too close to the agent.

However important the band manager position was to the attainment of local autonomy from the Indian agent, the role of the band manager at Walpole Island in 1964 was virtually impossible to fulfil. Edsel Dodge found himself in the middle of a power struggle between the Chief's party on one hand and the opposition group that supported the agent on the other. His position was further complicated by the need to function as band manager while the agent still held his traditional office and authority.

Since the entire nature of the Band's government was being questioned, lines of authority and responsibility were unclear. There were no written terms of reference for the band manager position. Chief Jacobs said that Edsel Dodge knew he was an employee of the Band and hence responsible to the Chief and Council. However, the agent,

as long as he was there, still had all the authority; this is what had given rise to the opposition to the agency system in the first place. There was little a band manager could do without going through the agent or one of the four agency employees.

In addition, all the files were located in the agency office. Although the band manager and two other employees worked in the Band office in a separate building, they had no telephone and had to go next door to the agency office to make calls. Whether or not there was any justification for the charge that the band manager had become an administrative assistant to the agent, the circumstances of his work were such that he could hardly avoid the appearance of working in that capacity. When interviewed, Burton Jacobs offered the same interpretation. "But he was quite chummy with the Indian agent, of course. He was in the office quite often but maybe he considered that was part of his work."[18]

The idea that Band staff were being trained by the agency staff to take over the various responsibilities was frequently mentioned in departmental correspondence. As late as January 1965, Vern Robinson wrote in a memorandum to Bonnah, "I would think that the next step will be for the Council to clarify the Band Administrator's position and to hire a second employee, preferably a clerk, both of whom will work from the Agency office learning the Agency business thoroughly."[19] It was partly because he was considered to have

worked too much in the agency office that Edsel Dodge was suspected of opposition to the Chief's party.[20] This was a point that needed clarification but did not receive it in Battle's proposed terms of reference or elsewhere.

The main problem for the band manager at this period was the need to relate to both sides during a fierce dispute. It was more than could have been expected of him. In addition, the role of band manager at Walpole Island was a new one. It had to be developed. With a conflict raging around him, Edsel Dodge had to learn to function in a position that was not only new to him, but was new altogether. He was required to walk a very fine line.

Given these circumstances, it is not surprising that trouble arose and led to the dismissals. What is difficult to understand is the timing. The dismissals were not made prior to the BCR of December 28, but afterwards when everything should have been going relatively smoothly. Burton Jacobs did say that disruption of Council meetings went on until Bonnah's March meeting in Toronto. Vern Robinson implied that interference was carried on into the summer. This suggests that the apparent reconciliation of December 28 was not as thorough as it appeared. The fact that a party vote occurred on the dismissal resolution, and that continuing bitterness ensued, may not have been due entirely to the dismissals themselves. It is possible, in fact likely, that some of the dissension, or at least the animosity

that it had aroused, was still there in some form. Battle put it in those terms when he gave the deputy minister a summary of occurrences at Walpole Island.

> While we were pondering how best to deal with the resolution, the differences of opinion between the various factions at Walpole Island developed to the point where the Band Council summarily dismissed the band manager, the welfare administrator and the band secretary.[21]

As well, a newspaper article of April 30, 1965 on the removal of the agency office included a quotation from Chief Jacobs: "There are some who still object to the idea. They feel that now all the records will be in Sarnia and we will be worse off than ever."[22] Obviously, a difference of opinion remained; perhaps some of the animosity it had aroused also lingered on.

Nevertheless, with the agent gone and the major decision made on the issue that had caused the split in the first place, it should have been possible to expect the atmosphere to become more rather than less peaceful. To the outside observer (including Bonnah as far as we can tell), the dismissals of March 8 came as a shock. Whatever had brought them about seemed to have been simmering beneath the surface. Examination of the reasons given by Burton Jacobs for the dismissals suggests that the answer lay more in the recent past than in any immediate cause occurring in early March.

No matter how well Edsel Dodge succeeded in avoiding the many pitfalls inherent in his position, he was already compromised by his past. He was criticized for being too close to the agent and the agency office, but his familiarity with the agent and the agency personnel went back to his time on the school board and his term as Councillor.

> I had already been around the office quite a bit anyhow, you know being a councillor and I was always in that office. I knew for one the functions of it--I made it my business to know because when you are acting for a group of people you have to know these things. That's how come I was in the office quite a bit and I got to know the staff and if I asked a question they were decent enough to answer.[23]

One specific event, however, immediately compromised Edsel Dodge in the eyes of Chief Jacobs. It concerned a visit made by a Walpole Island delegation to Ottawa to see the Minister.* Most of Walpole Island's farming land was leased to local farmers. The leases were arranged by the agent and then approved by the Council. Chief Jacobs stated that he had received a number of complaints from Band members about the low return to the Band from the farm leases. When a 2,000-acre lease to Harold Webster came up for renewal, Chief Jacobs decided to challenge it. He made an appointment to see Guy Favreau,

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* None of the informants was able to date this event exactly. However, Chief Jacobs did identify the Minister as Guy Favreau. Since his tenure of office was from April 22, 1963 to February 2, 1964, and Edsel Dodge was in Antigonish after September, it must have occurred about a year before Dodge actively took up the duties of band manager. Burton Jacobs tells the story with Edsel Dodge already band manager. I have not been able to resolve this discrepancy.

the Minister of Indian Affairs, in Ottawa. When he arrived at the Minister's office with Councillor Joe Sands and two local farmers, he saw Edsel Dodge there with Harold Webster and Harold Danforth, one of the local members of Parliament. He interpreted Dodge's presence in such company as hostile to his own position. He also said that Dodge distributed a paper that presented the case against him (Chief Jacobs).

Chief Jacobs regarded Edsel Dodge as an opponent from the time that he saw him in the Minister's office on the occasion of the challenge to the Webster lease. However, he said that the incident did not really change his relationship with him at the time. "Only when we knew he became connected with the Citizen's Committee, we had decided that he should be fired at some point."[24] Dodge was under suspicion because he was "quite chummy with the Indian agent". It was because he spent so much time in the agent's office that he was also suspected of associating himself with the Citizens' Committee. Hence two of the reasons given for dismissing Edsel Dodge were present several months before that event occurred and the third was a deduction from those events.

Another reason given for the dismissal of the three employees was the audit of the Band's books said to have been requested by the Citizens' Committee in an attempt to discredit the Chief and Council and have them removed from office.[25] It has not been possible to establish a date for this event or even to locate a reference to it in departmental files. If it occurred close to the date of the

dismissals, it would provide a reason why they occurred at that particular time. Burton Jacobs gave it as an immediate cause for the dismissals.[26]

A fundamental problem was also inherent in the position of band manager during the tumultuous year in which Edsel Dodge held office. Like the agent, he was placed in an untenable position. It is important to note that the position was established and Edsel Dodge hired by the former Council. The new Council, which took office in June 1964, not only supported the movement to get rid of the agent, but seemed to have a different opinion about the band manager position as well. When the Chief's delegation visited the Director in July, they raised concerns about Edsel Dodge and about the band manager position itself. "I think we were concerned with the fact that Mr. Dodge was spending a great deal of time in the Indian agent's office and I think we sort of questioned whether he was supposed to be working for the Indian agent or for us."[27] They also questioned the need for a band manager at all. They pointed out that there were twelve committees operating at Walpole Island "taking responsibility for every conceivable aspect of reserve life".[28] Since the committees were functioning well, they saw no valid reason to have a band manager.

> The delegation pointed out that the decision to employ a Band Manager had been made by the previous Council, and that those on Council now had been unable to locate any document outlining the proposed duties of such an officer. Furthermore, it became clear that the feeling

> had crystalized that Mr. Dodge, though paid by the Band, had become a sort of 'Assistant' to the Indian Agency Superintendent. Possibly this was the basic 'sore point' of the delegation. It was mentioned with some feeling that Mr. Dodge and Mr. Hall together decide on certain matters, raise them at Council meetings and practically 'force them through'. It is understood that Mr. Dodge does his work in the Agency office rather than in the Council office. This strengthens the impression that he is an Indian Affairs Branch official rather than a Band Council employee.[29]

Having questioned the necessity for a band manager and then complained that Edsel Dodge acted more like an assistant to the agent than their employee, the delegation asked that they be sent an outline of "Band Manager duties and of the relationship he is expected to have vis-a-vis the Superintendent, the Council and the Band Committees".[30]

The following month, Leo Bonnah wrote to Chief Jacobs to arrange a meeting with him, Superintendent Hall, Edsel Dodge, and "if necessary, your Council".[31]

> I think the time has come to show a unified stand in the support of Mr. Dodge and to arrange his salary increments for the coming three or five year period. If the Council and people want to get the best performance from their civil servants they are capable of giving, there must be a clear-cut understanding not only on salary and increases but any fringe benefits as well. There must also be agreement between the Council and Mr. Dodge in particular over his areas of responsibility and authority.[32]

There is no evidence that this meeting ever took place. Given the cross-currents at Walpole Island at this time, it is unlikely that

it ever did with the persons suggested by Bonnah all in attendance together. It was only three or four weeks later that the Council passed the BCR of September 14 requesting the replacement of Fred Hall.

About the time that Bonnah wrote to Chief Jacobs, the Director sent a letter to Bonnah, also in response to the July visit of the Walpole Island delegation to Ottawa. He included some terms of reference for the band manager position.[33] These were communicated to Chief Jacobs by mid-September. Writing of a visit to Walpole Island at that time, Bonnah stated:

> While the Chief did not bring up any problems of a pressing nature, he did indicate to me that they did not have the time to discuss the Director's proposal in detail and that he might want to see me on this at a later date. I suggested to the Chief that if he and/or Mr. Dodge wished to come to Toronto at any time and spend a day or two with me, I would be only too glad to help them out in every way possible.[34]

That proposal was probably not acted upon either. Three months later, Bonnah wrote: "Perhaps patience has paid off as well inasmuch as the Chief at last read and tabled the Director's letter of August 20th, 1964."[35] There is no indication that Council ever dealt with terms of reference for the band manager position. Edsel Dodge says

that he never had any. A further indication that they were never provided is the prominent place given to the task of drawing up terms of reference at Bonnah's March meeting with the Council in Toronto. By that time, the dismissals had taken place.

Battle acknowledged the conflict of authorities that was bedevilling the band manager experiment at Walpole Island. "The Band Manager must realize," he said, "that he is the servant of the Band Council and must be loyal to it. He is not an employee of the Indian Affairs Branch; certainly he is not to be considered in any way as an 'assistant' to the Indian Agency Superintendent."[36]

However, he offered no solution in his letter except to give Edsel Dodge "a week or two of orientation to the kind of specific duties I have mentioned above, and particularly, to have him instructed in his relationship to the Band Council, to its various committees and to the Indian Agency office".[37] Unfortunately, the problem was not going to be solved simply by instructing Edsel Dodge. Although Battle realized that a power struggle of some kind was going on, he underestimated both its complexity and its strength. Fred Hall and Edsel Dodge both occupied untenable positions. The resident Indian agent position would never again be tenable. The Band Manager position only became tenable when the Agent had been removed and arrangements had been made for band self-government.

Bonnah also failed to recognize this point when he wrote, regarding the Council's September resolution to replace the Agent, that the appointment of a band manager was a radical departure and nothing further should be done until the new arrangement had been accepted by the people.[38] It is unlikely that the people would ever have accepted the arrangement for Band government prevailing in September 1964. Its inherent faults led to perpetual conflict. Whether he liked it or not, Bonnah had to make further radical changes by bringing in Robinson.

What Fred Hall's role was after the arrangement with Robinson is unclear. That arrangement may have done something to relieve the conflict of authority for the band manager, but it is not likely to have resolved the problem altogether. Fred Hall was still at Walpole Island and so was the agency staff. The latter remained until the end of March, more than three weeks after the dismissals had taken place. Besides, Edsel Dodge seems to have been compromised by events that happened long before the arrangement with Robinson had ever taken place. One other immediate cause for the dismissal of the other two employees concerned returning welfare forms to the province on time in order to get subsidies.[39] Each of these sheds some light on a complicated issue that remains something of a mystery.

Another reason for the dismissals has been suggested by Dean Jacobs.* He advanced the possibility that, underlying all the reasons given, the dismissals may have resulted from the determination of the newly-autonomous Council to exercise its authority. The employees had been hired by the former Council and at a time when the agent was in full control. This suggestion is completely consistent with the reasons given by Burton Jacobs, and it also helps to explain the timing.

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* Telephone conversation, October 15, 1984.

D. Models of Band Government

Walpole Island entered upon its trial period of self-government with no particular model in mind for radical change. They simply wanted to conduct band government by Chief and council without the interference of an agent. The two general models for band self-government that had been discussed were the municipal form under provincial legislation and local band autonomy under the Indian Act.

Chief Jacobs had given some thought to models of band government, particularly through the influence of Leo Bonnah, but he had not found the exercise very helpful.

> I was kind of bewildered by the whole thing myself. I even had--I talked to a lawyer, Mr. Burgess, on that and he thought that if a self-government were drawn along the lines of a municipal government he felt that that was the way we should go. I thought myself that it was really too early to do anything about this. I figured we should just take it step by step. I knew that adopting something like this would take a long time because I knew that it took the English system of government perhaps many thousands of years to evolve to where it now stands. I knew that this was going to be very difficult, that it would have to grow very slowly. I just didn't know what course we should take. We had meetings, sort of a dinner meeting with Mr. Bonnah. He outlined the municipal type of government but I think it sort of confused us all. We really didn't agree on anything. He did say that was sort of a very difficult matter and that he had gone over many pieces of legislation trying to arrive at some suitable form of self-government.[40]

As Walpole Island embarked on its one-year trial period, Bonnah wrote to Ottawa on the subject of Indian band self-government. He concluded that the "program of self-government must be integrated within the provincial concept of municipal government, or at least directed towards that end."[41]

The Hawthorn-Tremblay study had noted that "the 1946-48 Joint Senate and House of Commons Committee recommended 'That such reserves as become sufficiently advanced be then recommended for incorporation within the terms of the Municipal Acts of the province in which they are situated'".[42] While Branch policy favoured this recommendation, little thought had been given to the mechanisms of change.[43] Since the practicalities of Branch policy had not been worked out, Bonnah did not find it a simple matter to apply provincial legislation to an Indian reserve. He found section after section impossible to apply in view of "local customs and usages, the Indian Act and the many regulations surrounding our operation". As a result, he began to grope towards a different answer.

> The deeper we get involved in this matter the greater would appear the need for a section of the Indian Act permitting the Branch to develop the rules, regulations and procedures necessary for the operation of an Indian community where the Band Council has expressed such an interest and where the Band is not quite ready to take the last step in municipal government under provincial legislation.[44]

In falling back upon the Indian Act, Bonnah was in step with the Indian Affairs Branch generally. The following year when the Hawthorn-Tremblay Report was published, it contained this comment, "While the general policy of the Branch has been to move Indians into the provincial framework of local government, the conduct of the Branch has been devoted almost exclusively to enhancing Indian self-government within the framework of the Indian Act".[45] The question of a foundation and general framework for Indian band self-government was not resolved at Walpole Island in the 1960s, but it is important to note that it was raised and discussed.

However, it should also be noted that Chief Jacobs' approach to the question was pragmatic. He would work under the Indian Act to achieve his goals or work under provincial legislation where that was more suitable for his purposes. In 1961, the Band took over the administration of welfare under Ontario's revised General Welfare Assistance Act. In December 1965, Chief Jacobs wrote to the Minister of Education requesting an amendment to the Public Libraries Act that would permit Indian reserves to receive library grants as municipalities did. He also wrote to the Deputy Minister of Welfare to have the Day Nurseries Act amended for the same purpose.[46] When he informed Bonnah of what he had done, Bonnah replied that he was pleased that he had taken the responsibility of communicating directly with provincial government departments. "Indeed, as you know," he told the Chief, "that is one of the basic principles of our self-government philosophy."[47]

E. The Indian Affairs Branch

It is obvious from this account that the Indian Affairs Branch was heavily involved in the process of achieving self-government at Walpole Island. That fact does not detract in the least from the achievement of the Band in bringing about a successful and rewarding conclusion to the issue. The structure of the situation was, however, two-sided, with the Branch constituting the other side. Any study of this issue must then deal not only with the Band's endeavours, but also with those of the Branch, including its responses to the Band's initiatives.

All three levels of the Indians Affairs Branch had been involved. Robinson kept a watch over developments locally, while the regional office was active behind the scenes and kept headquarters informed. Bonnah wrote to Ottawa, "Mr. Robinson, while given all the guidance possible in handling this delicate situation, is to be commended for the manner in which he was able to gain the confidence of the Indian Council".[48] Bonnah was pleased with the BCR of December 28. He interpreted the resolution as a request for additional responsibilities, which had been urged upon the Band at the July meeting with the Director. This was in accordance with Branch policy. The December 28 meeting also offered an harmonious way of disposing of the sensitive issue of Fred Hall. "Prior arrangements had already been completed for Mr. Hall to appear briefly at the

meeting indicating his pleasure in working with the Council and people of Walpole Island during past years. I understand the entire matter was a credit to all concerned and the meeting ended on a note of harmony."[49]

Further evidence of Branch involvement appeared a week later in a letter accompanying the BCR of December 28 to Ottawa. "Inasmuch as the Council already visited Headquarters in this connection last summer and negotiations have been going on since that time, it would be a very nice gesture on the part of the Branch if Mr. Battle would acknowledge and indicate his approval of the attached resolution."[50] After the trial period had been launched, Bonnah wrote, "The Walpole Island Band has advanced to the stage where they are assuming additional responsibility for the administration of their own affairs. As development of this nature is a prime objective of our Branch, we are pleased indeed to see the Band taking this attitude".[51]

Earlier, Bonnah had stated in a letter to Battle, "Already so many are being involved in this matter that the project as originally planned could very well fail".[52] He also realized that he had a tiger by the tail.

> I need hardly say that this major move by the Walpole Island Council is a very important one, yet most delicate. Apart from that you are aware, of course, that we are conducting leadership courses in this region with the result that Indian people are now questioning things they would never attempt before. In

> my estimation this is good and indicates succcess of our training program. However, it does present difficulties and unless one is thoroughly familiar with the group involved and understands the various stages of development in our program, the entire Band could be thrown into a state of turmoil during this period of growing pains.[53]

In spite of Bonnah's use of the term 'planning' it is obvious that there was no comprehensive plan for the development of Indian band self-government. While the Branch had encouraged the idea in a general way through training courses and promoting the hiring of a band manager, they preferred to work out the details with the Indians themselves band by band. Since Walpole Island was breaking new ground, there was no precedent to follow. It is clear that both the direction and the timing of events at Walpole Island took Branch officials by surprise. This is the explanation for their unpreparedness in so many areas.

In reference to the BCR of December 28, Battle wrote, "The resolution posed problems for the Branch for although we have been preaching the desirability of bands assuming control over their affairs, we have done little to anticipate the type of request emanating from Walpole Island".[54]

Notwithstanding Branch policy on band self-government and Bonnah's encouragement of bands to take on more responsibilities, there is no doubt that the Walpole Island Band, led by its Chief, Burton Jacobs, took the initiative in moving ahead to greater Indian

band self-government. They frequently moved too far too fast for the Branch to keep up with them, and the role that Indian Affairs exercised then was to slow the pace. Bonnah realized the need for "more freedom of action to move ahead in keeping with the capabilities and progress of the Indian people".[55]

> It is futile to continue much longer with our program of self-determination for the Indians in Southern Ontario unless it is to have more meaning. Too often are our efforts nullified because Branch Headquarters is unable to move faster than the slowest Band in Canada.
>
> As an example of the above, one Band in the region, upon the return of their Business Administrator from university, made a request to have him appointed as Returning Officer for the Band election. This, of course, was granted. But because of Branch inability to go the other mile, the Indian Returning Officer could not be given authority to take oaths as is required of anyone in this position. Neither was he able to get authority to hold an advance voting poll on the reserve--something that is granted to every other community in Canada.[56]

Bonnah was not always able to recognize when rapid change was required. Immediately after the BCR of September 14 requesting Fred Hall's replacement, Bonnah wrote, "You no doubt realize that the appointment of a Band Manager is a radical departure from the old system the Walpole Island Band operated under. Until this is accepted by the Indian people, I do not think we should enforce further major changes".[57]

Yet the Band would never be able to accept a complete stalemate between the Chief and Council and the agent, a situation created by the appointment of a Band manager. A further major change was definitely required immediately. The general unpreparedness of the Branch to meet this new situation has already been seen in the absence of any preparation of the agent to function in a changing environment and in the absence of any terms of reference for the band manager position. However, it is to the Branch's credit that, faced with the determination of Chief and Council as expressed in the BCR of September 14, its officials were able to make the compromise that brought Vern Robinson onto the scene.

Another area in which the move by Walpole Island had caught the Branch unprepared was in the matter of administrative grants to assist in the employment of band managers and other band staff. As late as April 9, 1965, policy and administrative procedures for making these grants had not yet been worked out.

> An attempt is being made to work out a formula which would govern not only this class of grant, but the grants for program development, and the staff of the Social Programs Division, Mr. Bonnah, Mr. Kaiser and the writer have been involved in this process. As was realized early, this is a very complicated matter and there are so many facets of it that it is unlikely a clear policy decision can be taken for some time.[58]

Bonnah had contributed his thoughts on the subject in April. One of his comments demonstrates that Walpole Island had precipitated early action on the subject.

> From our point of view in Southern Ontario our pressing problem would appear to be in the area of administrative grants. Consequently, I am submitting some thoughts on this subject. You will, I am sure, appreciate that because of the self-government project on several reserves, and particularly Walpole Island, the application of the following on a national basis has not been given too much thought.[59]

The Branch's unpreparedness to meet the demands of Walpole Island ahead of time can be attributed to the fact that this Band was the first to do without an agent and to carry on band government through Chief and Council and its own civil service.

> It is evident that there is a growing desire among the Indian bands to play a larger role in the administration of their affairs. Not unexpectedly, the bands in southern Ontario are to the fore in this trend and of them the Walpole Island Band has taken the lead in asking the Branch to initiate the steps that will eventually lead to self-government.[60]

In making application for approval of the Band's second annual administrative grant, Battle told the Minister, "It is anticipated that Walpole Island's successful growth to greater autonomy will be a stimulus to other Bands to follow suit."[61]

F. Conclusions

The development of band government at Walpole Island has been a gradual process extending over at least a century. The pace quickened in the 1950s due to a number of factors, but the development was still incremental. While the employment of a band manager in 1964 was another step in the same direction, by this time the momentum had built to the point where only a major achievement in the direction of local autonomy would have satisfied the Band's aspirations.

The struggle for self-government at Walpole Island can be viewed in part as an adversary situation in which an Indian band pitted itself against the bureaucratic restrictions of a government department. While there is an element of truth in that analysis, as we have seen, it is not the whole story. The Band's natural desire to make its own decisions had been encouraged by both legislative and policy changes. Indian Act revision in 1951 had opened the door to a limited version of band self-government, while the policy of the Indian Affairs Branch had been to encourage bands to take advantage of the Act's provisions. Moreover, once Chief Jacobs and his party showed their determination to take responsibility from the agent, the Branch and its officials worked with the Band to achieve the goal.

Details of self-government and methods of implementation do not appear to have been worked out in advance by the Branch, however. If the Branch had done so, it might have been accused of attempting to foist its own ideas on the Indians and, hence, of practising another form of paternalism. Yet, while there was no comprehensive or overall plan for Indian band self-government, some specific ideas were being promoted by the Branch with great enthusiasm. Some examples of the latter are Indian band involvement in provincial programs, the leadership training courses mentioned by Bonnah, and, of particular relevance to this study, the enthusiastic promotion of the band manager idea.

Yet no attempt appears to have been made to anticipate the consequences of what was being promoted in order to avoid the pitfalls. It was this failure to work out the implications of the band manager concept prior to implementation that had such disastrous consequences at Walpole Island. Besides the determination of the Chief and most of the Council to take on responsibility for managing their own affairs, the employment of a band manager had created an impasse that demanded the removal of one system to make room for another.

The arrival of the band manager meant that there were two parallel systems of local government operating in the same place. A band manager was attempting to carry out his duties under the authority of the Chief and Council, while an agent responsible to the Indian Affairs Branch still held office. The problem was intensified, rather than solved, by the fact that the agent had a general precedence over all policy and administration.

While Indian Affairs policy was to encourage self-government, including the appointment of band managers and the withdrawal of local agents, no thought appears to have been given to the anomalous position in which both these officers were placed in the interim. Ironically, the most trouble could be expected from bands such as Walpole Island, where the desire for self-government was strong. Leaving Fred Hall in his position, without adequately modifying his role, was to bring on the conflict that in fact ensued. He was expected to encourage local self-government while still maintaining the accountability required by the Branch of its responsible officer.

The conflict between the administrative and developmental roles of the agent has been explained by Robert Battle and in the Hawthorn-Tremblay report cited earlier. There are limitations to the administrative approach when dealing with the intangible objectives of community development. These objectives are not quantifiable or even readily perceived. They do not provide the evidence of success sought in conventional administration.

Part of the struggle against the agent was for the real or perceived control of the band manager. Here too, the basic problem was caused by leaving the agent in a role that had become redundant. The problem was compounded by the failure to lay down clearly the lines of authority for the band manager and to recognize that problems of conflicting authorities would arise as long as the agent still retained his responsibilities. In fact, the band manager had no terms of reference at all.

Officials of the Branch worked closely with the Walpole Island Chief and Council to resolve these contradictions. That task seemed close to completion by December 28, 1964 when the Council unanimously passed its self-government resolution. While this resolution did prove to be the foundation of the self-government agreement that was later worked out, that outcome did not follow without further turmoil. The seeds of one more crisis had already been sown during the preceding months of conflict, resulting in the dismissal of the band manager and the other two employees. While it is unfortunate that self-government was not attained without victims and without some negative feeling, which persists to this day, the division and bitterness were not allowed to destroy the Band's success. The Band is generally proud of its accomplishment and attributes the achievements of the last twenty years to the measure of self-government it has enjoyed during that time and to the kind of community-based self-help that enabled the work of the leaders to bear fruit.

The achievement described in this study was the attainment by one band of local self-government. This endeavour had absorbed much of the time and energy of Walpole Island's leaders. Nevertheless, they were more than willing to share their experiences with other bands working towards the same endeavour and did so from the beginning.

They were also involved in regional and national concerns as they are today. Once again, Indian self-government has become an important item on the agenda. It has been given national prominence through the publication late in 1983 of Indian Self-Government in Canada, the report of the House of Commons Special Committee on Indian Self-Government (the Penner Report). The organizations representing Indian people are now looking ahead to broader forms of self-government, which are being discussed within the Assembly of First Nations.

Indian band councils derive their authority from the Indian Act and exercise only those powers given to them under the Act. This was one form of band government which, along with the municipal model, was being considered in the 1960s. The recent constitutional changes resulting from the successful Indian fight to be included in the Constitution Act, 1982, have widened the base of Indian endeavours.

The right to self-government is now regarded by some as an aboriginal right recognized in the Royal Proclamation of 1763 and in the treaties. The Penner Report, for example, stated that "Indian governments may have implicit legislative powers that are now unrecognized."[61] Indians in Canada see the goal as the recognition of their governments, not as creations of the Indian Act or of provincial legislation, but as an order of government along with the federal and provincial. Proud of its history and its achievements in the past, the Walpole Island Band is now taking its part in moving ahead to the next stage of self-government, which is the goal of Indian nations across Canada.

NOTES PART III

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2. Ibid., Volume I. p. 311.
3. INAC file 471/3-1, Vols. 1 and 2, Battle to ADM, April 5, 1965.
4. INAC file 401/1-1, Vol. 3, D.A. Webster to file, May 15, 1964.
5. INAC, Deputy Minister's file 6-2-5, R.F. Battle to the Minister, October 13, 1966.
6. Hawthorn-Tremblay Report, Volume II, p. 196.
7. Jeannine Locke, "The Canadian Indian", Part 4, in Canadian Weekly, October 10-16, 1964, pp. 12-17.
8. INAC fil 471/3-1, Vol. 2, Battle to the Minister, March 17, 1966.
9. INAC file 401/1-1, Vol. 3, Webster to Leslie, May 15, 1964.
10. Ibid., Leslie to Battle, June 8, 1964.
11. Ibid., Bonnah to IAB, May 14, 1964.
12. Ibid.
13. Ibid., Leslie to Battle, June 8, 1964.
14. Ibid., Leslie to Battle, July 6, 1964.
15. Ibid.
16. Ibid., letters of May 15 and June 8, 1964.
17. Ibid., Leslie to Battle, July 6, 1964.
18. Burton Jacobs, Interview Transcript 3A, May 28, 1984, p. 4.
19. INAC file 471/3-1, Vols. 1 and 2, Robinson to Bonnah, January 6, 1965.
20. Burton Jacobs, Interview Transcript 3A, May 28, 1984, p. 4.
21. INAC file 471/3-1, Vols. 1 and 2, Battle to Deputy Minister, April 5, 1965.
22. London Free Press, April 30, 1965.
23. Edsel Dodge, Interview Transcript 4A, May 28, 1984, p. 2.

24. Burton Jacobs, Interview Transcript 2B, May 26, 1984, p. 13.

25. Burton Jacobs, Interview Transcript 3A, May 28, 1984, p. 6.

26. Ibid.

27. Burton Jacobs, Interview Transcript 3B, May 28, 1984, p. 8.

28. INAC file 471/3-1, Vols. 1 and 2, S.J. Bailey to file, July 31, 1964.

29. Ibid.

30. Ibid., Bonnah to Jacobs, August 18, 1964.

31. Ibid.

32. Ibid., Battle to Bonnah, August 20, 1964.

33. Ibid., Bonnah to IAB, September 22, 1964.

34. Ibid., Bonnah to Leslie, December 29, 1964.

35. Ibid., Battle to Bonnah, August 20, 1964.

36. Ibid.

37. Ibid., Bonnah to IAB, September 22, 1964.

38. Burton Jacobs, Interview Transcript 3A, May 28, 1984, p. 1.

39. Burton Jacobs, Interview Transcript 3B, May 28, 1984, p. 2.

40. INAC file 471/3-1, Vols. 1 and 2, Bonnah to Brown, April 8, 1965.

41. Hawthorn-Tremblay Report, Volume I, p. 292.

42. Ibid.

43. INAC file 471/3-1, Vols. 1 and 2, Bonnah to Brown, April 26, 1965.

44. Hawthorn-Tremblay Report, Volume I, p. 297.

45. INAC file 471/3-1, Vols. 1 and 2, Jacobs to Bonnah, November 21, 1965.

46. Ibid., Bonnah to Jacobs, December 3, 1965.

47. Ibid., Bonnah to IAB, December 29, 1964.

48. Ibid.

49. Ibid., Bonnah to Leslie, January 7, 1965. My emphasis.

50. Ibid., Bonnah, circular letter, May 5, 1965.

51. Ibid., Bonnah to Battle, August 27, 1964. My emphasis.

52. Ibid.

53. Ibid., Battle to Deputy Minister, April 5, 1965.

54. INAC file 401/1-1-12, Vol. 2, Bonnah to the Director of Support Services, Ottawa, August 14, 1964.

55. Ibid.

56. INAC file 471/3-1, Vols. 1 and 2, Bonnah to IAB, September 22, 1964.

57. Ibid., Brown to ADM, April 9, 1965.

58. Ibid., Bonnah to Battle, April 23, 1965.

59. Ibid., Battle to Deputy Minister, April 5, 1965.

60. INAC file 471/3-1-7, Vol. 1, Battle to the Minister, July 18, 1966.

61. Canada, House of Commons, Special Committee on Indian Self-Government, Indian Self-Government in Canada (Ottawa: 1983), p. 43.

Appendix 1

Chronological List of Major Events

1952	Fred Hall became Indian Agent at Walpole Island.
1959	The Walpole Island Band took responsibility for their own revenue account under section 68 of the Indian Act.
1960	Burton Jacobs was elected Chief.
1961	The Band assumed responsibility for administration of Ontario's General Welfare Assistance Act.
1963 (August)	Edsel Dodge was appointed Band Manager and sent to the Coady Institute.
1964 (May)	Edsel Dodge returned to take up the duties of Band Manager.
1964 (June)	Burton Jacobs was re-elected Chief with a partly new Band Council.
1964 (July)	Two delegations visited the Director of Indian Affairs in Ottawa.

1964 (September) A Band Council Resolution was passed asking for the replacement of
Fred Hall as Agent.

1964 (December) The self-government Band Council Resolution of December 28 was passed. (See Appendix I)

Fred Hall completed his tenure at Walpole Island.

1965 (March) The Band Manager and two other Band employees were dismissed from their positions.

1965 (April) The one-year experimental period of self-government commenced.

Leighton Hopkins was appointed Band Administrator.

The Agency Office was withdrawn to Sarnia.

1966 (February) A Band Council Resolution was passed requesting continuing self-government.

1966 (March) The request for continuing self-government was given ministerial approval.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH
BAND COUNCIL RESOLUTION

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.

The Council of the WALPOLE ISLAND (Name of Band) Band of Indians,

in the WALPOLE ISLAND (Name of Agency) Indian Agency,

in the Province of ONTARIO (Name of Province in full) at a meeting, held at WALPOLE ISLAND (Name of Place)

this TWENTY EIGHT (In Full) day of DECEMBER (Month) A.D. 19 61

DO HEREBY RESOLVE: That inasmuch as a measure of self Government of the Band is desired, This Council requests Indian Affairs Branch to institute steps to transfer jurisdiction to the Walpole Island Band control and Management over all matters relating to their Band. And such others matters as may be mutually agreed upon between Indian Affairs Branch. and the Band Council from time to time.

Be it further resolved that while we desire immediate steps be taken to legalize this change over, this process be accelerated to the rate which the Walpole Island Band Council decide they can handle.

Be it further resolved that an annual grant as may be mutually agreed upon be provided the Band from Parliamentary appropriation to assist in defraying administration costs.

Be it further resolved that this move towards self Government of the Walpole Island Band continues for a trial peroid of one year at which time the Band Council will make an assessment of the situation and decide on a future policy.....

Burton Jacobs (Chief)

(Councillor) (Councillor) (Councillor)

(Councillor) (Councillor) (Councillor)

(Councillor) (Councillor) (Councillor)

(Councillor) (Councillor) (Councillor)

FOR HEADQUARTERS USE ONLY					
1. TRUST ACCT	2. CURRENT BALANCES A. Capital $	B. Revenue $	3. Expenditure $	4. Authority Indian Act Sec.	5. Source of Funds ☐ Capital ☐ Revenue
6. Recommended Date	Chief, Reserves and Trusts		7. Approved Date	Director, Indian Affairs	

IAS-7

CANADA

Department
of Northern Affairs
and National Resources Deputy Minister

Ministère
du Nord canadien et
des Ressources nationales Sous-ministre

NA & NR
COMMUNICATIONS &
RECORDS SERVICE
REFER TO
MAR 18 1966
FILE TO
CHGD. TO

Ottawa 2, March 17, 1966.

THE MINISTER

our file / notre dossier 40/3-1
your file / votre dossier

The Walpole Island Band, located in the Windsor-Sarnia area of south-western Ontario, has been managing its own affairs to an increasing extent in recent years. The Band, comprising some 1,500 members, began administering its revenue funds pursuant to Section 68 of the Indian Act in 1959. In 1961 the Band assumed responsibility for its own welfare program under the Ontario General Welfare Assistance Act. By-laws have been made by the Band Council on a wide variety of matters and the Band has authority to make money by-laws under Section 82 of the Indian Act.

In December 1964 the Walpole Island Band Council passed a resolution requesting the transfer of day to day administrative responsibility for the Band's affairs from the Agency office to the Council. This was agreed to by the Department on an experimental basis for one year with the Branch providing training and general guidance. The Band Council appointed a bonded Band administrator to look after routine administration; engaged other staff including a water commissioner, a clerk-treasurer, and a steno-grapher; appointed committees from amongst Council members for roads, sanitation, welfare, education, recreation and so on; and retained legal counsel from a private firm on a continuing basis. The Band Council also took over responsibility for and successfully operated a $125,000 revolving band fund loan; continued the administration of the Band revenue fund budget in the amount of $80,000; and generally took initiative on matters of concern to the Band. During this period the Indian Agency staff at Walpole Island was removed to ensure a greater degree of independence.

On the whole the experiment at Walpole Island has proven to be a success, with the affairs of the Band at least as well looked after as in previous years. The Band Council are now looking for a greater measure of self-government and it is proposed to meet this as follows:

1. Turning Over of Agency Buildings to Band

A The former Agency office, occupied during the past year by the Band staff, and the Superintendent's residence and garage would be turned over to the Band for their use. With the assumption of administrative responsibility by the Band Council these buildings are no longer required by the Department. The practice on other reserves where Agency staff have withdrawn has been to transfer departmental buildings to the Band where this is requested by the council concerned. Title remains with the Crown.

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2. Turning Over of Agency Equipment

A road grader, a few road tools, some fire-fighting equipment, and other miscellaneous items would be passed to the Band to supplement Band-owned equipment. We have a Treasury Board Minute permitting this to be done.

3. Authority for Leasing Locatee and Band Land

The Walpole Island Band Council wish to be given authority to enter into all new leases covering both locatee and Band land, and to collect and manage the rents. This would be an extension of an arrangement in effect on the nearby Moravian Reserve in which case the Band, by Order in Council pursuant to Section 60 (1) of the Indian Act, was given authority to manage and control the leasing of locatee land.

In the case of the Moravian Band, leases are limited to a term of three years and for agricultural purposes only. In the case of Walpole Island the allowable term for leases would be up to twenty years and would cover leasing of Band land as well. To meet the wishes of the Band it will be necessary to obtain an Order in Council under Section 60 (1) of the Indian Act, and a Proclamation exempting the Band from the operation of Section 28 (1) of the Act.

4. Revenue from Hunting and Fishing Permits

The Band conducts an extensive sports hunting and fishing operation on the Walpole Island Reserve. Annual revenue from the sale of hunting and fishing permits amounts to about $20,000. Authority to expand the Band's powers under Section 68 of the Indian Act to collect, manage, and expend these funds will be requested.

5. Transfer of Administrative Responsibilities for Housing and Related Works Funds to the Band

It is proposed to transfer to the Band, by means of grants, moneys appropriated to the Department for the construction, acquisition and maintenance of housing and related works. Moneys have been provided in the estimates for this purpose and the proposal is in accordance with the programs for community development and the development of community facilities already approved by the Governor-in-Council.

6. Payment of Provincial Road Subsidies Direct to Band

Indian Reserves in Ontario are considered municipalities under the Highway Improvement Act and are therefore eligible for road subsidies paid by the Province. Subsidies on expenditures from Band funds are now sent to the Department for credit to the Band funds. The Band wish to have payment made direct to them. There would appear to be no reason why this could not be worked out with the Ontario Department of Highways.

..... 3

7. Recording of Vital Statistics

A The Agency Superintendent is now the authorized registrar of vital statistics on the Reserve. With the Superintendent no longer residing on the Reserve it is proposed to have the Band administrator assume this role with the concurrence of the Provincial Registrar. The Band administrator, rather than the Superintendent, would then provide us with the information we require for our membership lists.

Other services and functions such as the recording of land sales, the settlement of estates, and the provision of professional and technical advice, will remain the responsibility of the Branch. The Branch would also continue to provide training to the Band administrative staff as required. No change would be made in the existing education program at this time.

Since our policy of encouraging local self-government has been so readily accepted by the Walpole Island people, and having in mind the demonstrated ability of their Council, I recommend that we grant the additional authority as outlined above. Many other bands are watching developments on Walpole Island with keen interest and the granting of additional authority to the Band Council there may be all that is needed to stimulate a general move towards local self-government.

I would be glad to have your concurrence in these proposals for the further development of the Walpole Island Band. They would like to go ahead under the new authority by April 1.

R.F. Battle,
Assistant Deputy Minister
(Indian Affairs).